
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 199
[2021 Senate Bill 865]

**Statewide Filing System for
Homeowners' Associations**

2021 WISCONSIN ACT 199

2021 Wisconsin Act 199 creates a statutory framework for the regulation of homeowners' associations of certain residential planned communities. Among the regulations, a homeowners' association subject to this framework must:

- Record its covenants and restrictions with the register of deeds.
- Post its covenants and restrictions on its internet site, if the association maintains an internet site on which information related to the residential planned community is available to the public.
- File notice with the Department of Financial Institutions (DFI), including the name and contact information of an individual who is authorized to provide information on behalf of the homeowners' association, and update this notice on an annual basis. The act directs DFI to maintain a statewide searchable filing system for such notices and to establish a filing process to allow corporate filings to be accomplished simultaneously or in conjunction with the required notice filings. Additionally, under the act, failure to file a required notice precludes an association from charging late fees for unpaid assessments as well as any fees in connection with transfer of ownership during the period of noncompliance.
- Provide notice of meetings of the homeowners' association to the residential lot owners within the association at least 48 hours before each meeting.
- If providing copies of covenants and restrictions, charge the lesser of actual costs or \$50, unless higher amounts are authorized by the community's covenants and restrictions.
- Provide written notice to a residential lot owner prior to suspension of any of the owner's rights for failure to timely pay assessments, unless suspension without notice is authorized by the community's covenants and restrictions.
- Provide a payoff statement to a residential lot owner within 10 business days of a request by the owner. The act also specifies the fees the association may charge for the payoff statement and the damages owed to the owner by the association for failure to provide a timely payoff statement.

Effective date: Generally, March 20, 2022, with January 1, 2023 as the date of initial applicability of certain provisions of the act. However, the act specifies that DFI must establish the statewide filing system no later than January 1, 2023, and must notify the Legislative Reference Bureau (LRB) if the system is established prior to that date for publication of the date in the administrative register. If such notice of early establishment is provided by DFI, then certain provisions of the act initially apply following publication of the notice by the LRB.

SG:jal