

Uniform Common Interest Ownership Act Summary

LOCAL GOVERNMENT INTERIM COMMITTEE
MADDIE KREZOWSKI – MARCH 2026

INTRODUCTION

The Uniform Common Interest Ownership Act (UCIOA) was originally adopted by the Uniform Law Commission (ULC) in 1982 to combine three prior uniform laws in this area: The Uniform Condominium Act (1980), the Uniform Planned Community Act (1980), and the Model Real Estate Cooperative Act (1981). The ULC adopted updates to the UCIOA in 1994, 2008, 2014, and 2021.

The prefatory note to the 1994 revisions explains that the UCIOA is intended to provide “comprehensive legislation, providing maximum flexibility and certainty to all developers, lenders, and title insurers, while at the same time providing all unit purchasers and their associations a uniform level of disclosure, warranty protection, and other rights.”

Updates to the UCIOA adopted by the ULC over the years have sought to address issues that have arisen between common interest associations and individual unit owners.

PROVISIONS OF THE UCIOA

The UCIOA as adopted by the ULC in 2021 is broken into five parts: General Provisions; Creation, Alteration, and Termination of Common Interest Communities; Management of the Common Interest Community; Protection of Purchasers; and Applicability and Transition.

PART 1: GENERAL PROVISIONS

The General Provisions part provides the general definitions section and sections laying out how provisions of the UCIOA relate to some existing areas of law. This part also includes applicability provisions that provide exceptions from the application of the UCIOA for certain common interest communities, such as those with fewer than 12 units or those that have limited expenses. In House Bill 619 (2025), these are sections 1 through 21:

Section 1. Short title.

Section 2. Definitions.

Section 3. No variation by agreement.

Section 4. Separate titles and taxation.

Section 5. Applicability of local ordinances, regulations, and building codes.

Section 6. Eminent domain.

Section 7. Supplemental general principles of law applicable.

Section 8. Construction against implicit repeal.

Section 9. Uniformity of application and construction.

Section 10. Remedies to be liberally administered.

Section 11. Adjustment of dollar amounts for purposes of dues or assessment increases.

Section 12. Relation to electronic signatures in global and national commerce act and Montana electronic signature act.

Section 13. Mandatory and default rules.

Section 14. General applicability to common interest communities.

Section 15. Exception for small cooperatives.

Section 16. Exception for small and limited expense liability planned communities.

Section 17. Amendments to governing instruments.

Section 18. Applicability to nonresidential and mixed-use common interest communities.

Section 19. Applicability to out-of-state common interest communities.

Section 20. Other exempt real estate arrangements.

Section 21. Other exempt covenants.

PART 2: CREATION, ALTERATION, AND TERMINATION OF COMMON INTEREST COMMUNITIES

The Creation, Alteration, and Termination of Common Interest Communities part includes provisions providing for a uniform framework and requirements for the creation, alteration, and termination of common interest communities. In HB 619 (2025), these are sections 22 through 46:

Section 22. Creation of common interest communities.

Section 23. Unit boundaries.

Section 24. Construction and validity of declaration and bylaws.

Section 25. Description of units.

Section 26. Contents of declaration.

Section 27. Leasehold common interest communities.

Section 28. Allocation of interests.

Section 29. Limited common elements.

Section 30. Plats and plans.

Section 31. Exercise of development rights.

Section 32. Alteration of units.

Section 33. Relocation of unit boundaries.

Section 34. Subdivision of units.

Section 35. Building encroachment.

Section 36. Use for sales purposes.

Section 37. Easement and use rights.

Section 38. Amendment of declaration.

Section 39. Termination of common interest community.

Section 40. Rights of secured lenders.

Section 41. Master associations.

Section 42. Merger or consolidation of common interest communities.

Section 43. Addition of unspecified real estate.

Section 44. Master planned communities.

Section 45. Termination following catastrophe.

Section 46. Adverse possession, prescriptive easement.

PART 3: MANAGEMENT OF THE COMMON INTEREST COMMUNITY

The Management of the Common Interest Community part includes provisions that provide a uniform framework for the management of a unit owners association, including requirements for meetings, voting, assessments, notice, and record keeping. In HB 619 (2025), these are sections 47 through 71:

Section 47. Organization of unit owners association.

Section 48. Powers and duties of unit owners association.

Section 49. Executive board members and officers.

Section 50. Special declarant rights.

Section 51. Termination of contracts and leases.

Section 52. Bylaws.

Section 53. Upkeep of common interest community.

Section 54. Meetings.

Section 55. Quorum.

Section 56. Voting, proxies, and ballots.

Section 57. Tort and contract liability -- tolling of limitation period.

Section 58. Conveyance or encumbrance of common elements.

Section 59. Insurance.

Section 60. Surplus funds.

Section 61. Assessments.

Section 62. Lien for sums due association -- enforcement.

Section 63. Other liens.

Section 64. Association records.

Section 65. Association as trustee.

Section 66. Rules.

Section 67. Notice to unit owners.

Section 68. Removal of officers and directors.

Section 69. Adoption of budgets -- special assessments.

Section 70. Litigation involving declarant.

Section 71. Emergency powers.

PART 4: PROTECTION OF PURCHASERS

The Protection of Purchasers part includes provisions providing requirements for public offering statements and warranties of quality among other provisions. In HB 619 (2025), these are sections 72 through 91:

Section 72. Applicability -- waiver.

Section 73. Liability for public offering statement requirements.

Section 74. Public offering statement -- general provisions.

Section 75. Common interest communities subject to development rights.

Section 76. Time shares.

Section 77. Common interest communities containing conversion buildings.

Section 78. Registration with government agency.

Section 79. Purchaser's right to cancel.

Section 80. Resale of units.

Section 81. Escrow of deposits.

Section 82. Release of liens.

Section 83. Conversion buildings.

Section 84. Express warranties of quality.

Section 85. Implied warranties of quality.

Section 86. Exclusion or modification of implied warranties of quality.

Section 87. Statute of limitation for warranties.

Section 88. Effect of violations on rights of action -- attorney fees.

Section 89. Labeling of promotional material.

Section 90. Declarant's obligation to complete and restore.

Section 91. Substantial completion of units.

PART 5: APPLICABILITY AND TRANSITION

The Applicability and Transition part provides provisions on the transition schedule for the UCIOA and provisions for existing common interest communities to opt out of the application of the UCIOA. In HB 619 (2025), these are sections 92 through 95:

Section 92. Applicability and transition.

Section 93. Prior statutes.

Section 94. Retroactive application.

Section 95. Applicability to pre-existing common interest community.