

381.785 Definitions for KRS 381.785 to 381.801.

As used in KRS 381.785 to 381.801:

- (1) "Assessment" means the liability for an expense that is allocated to a lot in a planned community in accordance with governing documents;
- (2) "Association" means a nonprofit corporation or unincorporated organization that is composed of lot owners in a planned community that is responsible for the administrative governance, maintenance, and upkeep of the planned community;
- (3) "Board" means the executive body of an association, regardless of name, designated in the declaration or bylaws to act on behalf of an association;
- (4) "Bylaws" means a document adopted by the association for the regulation or management of the affairs of the association;
- (5) "Common area" means property, including any facilities and amenities, within a planned community that is designated as a public space and is owned, leased, or required by the declaration to be maintained or operated by an association;
- (6) "Declarant" means any person or entity, and their successors and assigns, that:
 - (a) Executes and files a declaration encumbering real property; or
 - (b) Authorizes real property to be governed by a declaration, as part of the establishment or maintenance of a planned community;
- (7) "Declarant control period" means the period of time in which the declarant controls the association by appointing or removing the members of the association's board of directors and manages the association;
- (8) "Declaration" means any instrument, however denominated, including but not limited to covenants, conditions, or restrictions, and any amendment or supplement thereto, recorded among the land records of the county or counties in which a planned community or any part thereof is located, that either:
 - (a) Imposes restrictions, covenants, conditions, or maintenance or operational responsibilities for any common area on an association; or
 - (b) Conveys the authority of an association to impose on lots, or on the lot owners or occupants, or on any other entity, an assessment in connection with the provision of maintenance or services for the benefit of some or all of the lots or the common area;
- (9) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions and restrictions, rules, regulations, policies, and guidelines of an association, or other written instrument granting the association the authority to manage, maintain, or otherwise affect the property under its jurisdiction;
- (10) "Lot" means any plot or parcel of real property designated for separate ownership or occupancy and is either shown on a recorded subdivision plat for a planned community or the boundaries are described in the declaration;
- (11) "Owner" means a declarant or other person who owns a lot in a planned community but does not include any person that has an interest in a lot solely as security for an obligation;
- (12) "Person" means a natural person, corporation, business trust, estate, trust,

partnership, association, joint venture, limited liability company, government, governmental subdivision or agency, or other legal or commercial entity;

- (13) (a) "Planned community" means a group of residential dwellings, excluding condominiums, composed of individual lots for which a deed, common plan, or declaration requires that:
1. All owners become members of an association;
 2. Owners or the association hold or lease property or facilities for the benefit of all owners; or
 3. Owners support by membership fees or property or facilities for all owners to use.
- (b) "Planned communities" shall not include:
1. Any deed, subdivision plat or plan, or declaration which is recorded whereby the sole common facility for sharing maintenance expenses is for shared or common roadways providing access to multiple lots; or
 2. A current development or neighborhood that does not currently have a homeowners' association established by declaration, subdivision plat, or deed;
- (14) "Purchaser" means a person who acquires a legal or equitable interest in a lot by voluntary or involuntary transfer. A purchaser shall not be a declarant or a person in the business of selling real estate for profit;
- (15) "Real estate" includes lands together with improvements thereon and appurtenances thereto; and
- (16) "Residential dwelling" means a building or portion of a building that is designed and intended for use and occupancy by a single household and not for business purposes, and which may share common walls, roofing, or other common structural elements.

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