



**State of Vermont
Office of the Secretary of State**

128 State Street
Montpelier, VT 05633-1101
(802) 828-2363

**Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary**

April 10, 2026

To: Hon. Marc Mihaly, Chair
House Committee on General and Housing

From: S. Lauren Hibbert, Deputy Secretary of State
Jenny Prosser, General Counsel and Director of Municipal Affairs

Re: S.328, common interest community website

Dear Committee Members:

Thank you for the opportunity to testify on S.328, regarding creating and maintaining a common interest community website.

S.328 1.1 currently has the following language:

Sec. 1. 3 V.S.A. § 119 is added to read:

10 § 119. COMMON INTEREST COMMUNITY RESOURCES

The Secretary of State shall create and maintain a free website to provide information to the public about Vermont's common interest communities. The website shall include information on matters related to organization, governance, conflict resolution, transparency, and the rights and responsibilities for unit owners and associations

The Secretary of State's office provides public services relating to our core programs, such as helping businesses understand and fulfill their statutory filing requirements. In addition, we strive to make available general information that helps Vermonters engage with local government and their communities. To that end, we offer guidance about open government, provide civics education, and do our best to answer questions about our municipal laws, typically by pointing out the relevant statutes and resources of which we are aware.

Due to our diverse responsibilities and customer service focus, the Secretary of State's office frequently fields inquiries about topics outside of our jurisdiction. For example, because we receive business filings, we are often asked for advice about selecting a business type. Because we provide info about public meetings, we are often asked about requirements for nonprofit board meetings or other questions of private corporate governance. In these situations, many of which involve law with which we have limited experience and decisions that have legal implications, we can sometimes share a cursory overview of what types of state, federal, and local law might apply, but ultimately, we must advise callers to consult with private legal counsel.

We can't provide financial or legal advice to the public. Currently, when we are asked for advice about the obligations of homeowner associations or other types of common interest communities, we share information similar to what is on the next page.

In reviewing the proposed bill language, the Secretary of State wants to be clear what is possible for us to provide. Given our staffing levels, current jurisdictions, and knowledge limits, we can't become experts on common interest communities. We also can't answer the public's questions about this topic outside of the limited information on the subsequent page.

We recommend modifying the language to clarify our limited role in this area of the law.

Sec. 1. 3 V.S.A. § 119 is added to read:

10 § 119. COMMON INTEREST COMMUNITY RESOURCES

The Secretary of State shall ~~create and maintain a free website to~~ provide information to the public about Vermont's common interest communities. ~~The website shall include~~ This information ~~shall include the governing statutes.~~ ~~on matters related to organization, governance, conflict resolution, transparency, and the rights and responsibilities for unit owners and associations~~

If there is a desire to expand the information beyond a short summary of the topic and references to the relevant statutes, we need to assess what funding, staff, and other resources would be necessary to provide that service to the public.

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The Secretary of State does not have oversight of homeowner associations, so we do not have in-house expertise regarding their governance and operations. The only interaction our office has with HOAs is receiving business filings, if a particular HOA opts to file a trade name or to incorporate as a nonprofit corporation or other business entity.

The Vermont statutes contain the [Uniform Common Interest Ownership Act \(Title 27A, Articles 1-4\)](#) and the [Condominium Ownership Act \(Title 27, chapter 15\)](#).

In addition, if an HOA has incorporated as a particular type of business entity, the Vermont statutes pertaining to that type of business entity would apply (see [Titles 11, 11A, 11B, and 11C](#)).

Beyond Vermont state law, HOAs are bound by certain federal laws (such as the Fair Housing Act), perhaps by local ordinances, and any court cases interpreting state, federal, and local law.

And of course, an HOA is bound by its own articles of incorporation (if incorporated), bylaws, and resolutions, as well as any existing deed restrictions or covenants relating to member properties (these last would be found in the town's land records).

If you have a question about HOAs or a specific HOA we recommend that you reviewing the statutes linked above if applicable and the specific HOA's bylaws. Our office can't answer questions related to HOA law or any particular HOA issue(s). If you continue to have questions after review of this information, our office recommends you consult with a private attorney with expertise in navigating the laws that may apply. The Vermont Bar Association has a [lawyer referral service](#).

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