

MS HOA & Condo Quick Reference

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A board member's plain-English cheat sheet. Mississippi has no comprehensive HOA act. Condos: Mississippi Condominium Law (Miss. Code Title 89 Ch. 9). Subdivision HOAs: recorded declaration plus the Nonprofit Corporation Act (Title 79 Ch. 11). No statewide roster.

Condo creation, declaration, lien

CONDO §89-9-9

This chapter applies only if a plan is recorded with the chancery clerk: a survey (or description) of the land, diagrammatic floor plans that identify each unit, and a certificate signed by the record owner and all record holders of security interests.

CONDO §89-9-17

Record a declaration of restrictions before any unit is conveyed. Servitudes are enforceable where reasonable; any owner may enforce unless the declaration says otherwise. A reasonable amendment on not less than a majority in interest, after reasonable notice, binds every owner — including one who voted no.

CONDO §89-9-21

A reasonable assessment is a debt when made. It becomes a lien only when a notice of assessment is recorded with the chancery clerk. Prior to later-recorded liens unless the declaration subordinates it — no six-month super-priority. Expires one year from recordation unless satisfied, released, or enforcement has started; extendable one additional year by a recorded written extension. Foreclose by sale under §89-1-55.

CONDO §89-9-19

Sale and lease covenants in the declaration are valid. A management-body right of first refusal is not mandatory — if the association claims one, it has to come from the declaration.

Subdivision HOA meetings, quorum, records (Nonprofit Act)

NP §79-11-205

Member-meeting notice is fair and reasonable if it states place, date, and time 10 to 60 days ahead (30 to 60 if mailed by other than first-class or registered mail). Special-meeting notice must describe the matters called.

NP §79-11-217 / §79-11-199

Member quorum defaults to 10 percent of the votes entitled to be cast on the matter. Special meeting on board call, or written demand of 5 percent of the voting power; if notice is not given within 30 days, a demand-signer may call it.

NP §79-11-283 / §79-11-285

Keep permanent minutes, accounting records, and a membership list. Principal-office packet includes three years of member minutes and member communications plus the latest SOS annual report. A member may inspect that packet on five business days' written notice; accounting records and the membership list also need a proper purpose.

NP §79-11-183 / §79-11-189

A bylaw or board resolution authorizing dues does not, of itself, create liability — the recorded declaration does. No expulsion or suspension except a fair-and-reasonable, good-faith procedure (safe harbor: 15 days' notice and a chance to be heard at least 5 days before it takes effect).

What the state will not do for you

No HOA act

There is no Mississippi analog to Florida Chapter 720, the Louisiana Planned Community Act, or the Alabama Homeowners' Association Act. Subdivision boards live in their declaration and, if incorporated, Title 79 Chapter 11.

CONDO vs lots

§89-9-5's condominium definition is units of improvements plus an undivided share in the common areas. Detached houses on their own lots are not this chapter, even if they have an association.

NP §79-11-235 / §79-11-263

Board size is whatever the articles or bylaws say — no general three-director floor for an ordinary HOA. Board quorum defaults to a majority of the directors in office immediately before the meeting begins.

No roster

Mississippi has no DBPR, no TREC, no DORA, and no downloadable statewide association list. The Secretary of State keeps corporate filings, not a community roster.

Meeting notice & deadlines

NP member meeting

Annual required. Notice 10 to 60 days (30 to 60 if not first-class or registered) (§79-11-197 / §79-11-205).

NP special meeting

Board call, or 5 percent of the voting power. If unnoticed for 30 days, a demand-signer may call it (§79-11-199).

NP board special

Default two days' notice of date, time, and place. Regular board meetings default to no notice (§79-11-259).

Condo lien

Record a notice of assessment with the chancery clerk. One-year clock; one-year extension by recorded writing (§89-9-21).

NP records

Five business days' written notice to inspect the principal-office packet (§79-11-285).

Official records

Nonprofit inspect

Principal-office packet on five business days' notice; accounting and the membership list need a proper purpose (§79-11-285).

What to keep

Permanent minutes, accounting records, membership list; three years of member minutes and member communications; latest SOS annual report (§79-11-283).

Condo books

Declaration may require an independent audit of the management body (§89-9-17). No statutory resale-certificate clock.

SOS

Corporate filings and an annual report. Not a roster. Not an arbiter.

Quorum & voting

Condo (Title 89 Ch. 9)

No statutory owner-meeting notice or quorum — the declaration supplies them (§89-9-17)

Amendment default: majority in interest, reasonable, after reasonable notice (§89-9-17)

Assessment lien: record notice; 1-year expiry + 1-year extension (§89-9-21)

No six-month super-priority

Subdivision HOA (Nonprofit Act)

Member quorum default 10% (§79-11-217)

Board quorum: majority of directors in office (§79-11-263)

Special meeting: 5% of the voting power (§79-11-199)

Assessment liability comes from the declaration, not a bylaw (§79-11-183)