



Model Language for Association Emergency Powers

Association Emergency Powers

1. Unless specifically prohibited by the declaration or other recorded governing documents, the board of directors, in response to an event for which a state of emergency is declared in the state, may exercise the following powers:
 - a. Conduct board or membership meetings after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, public service announcements, conspicuous posting on the association property, or any other means the board deems appropriate for the health and safety of the members under the circumstances:
 - i. Publishes notice of the date, time and means of accessing such meeting in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, public service announcements, conspicuous posting on the association property, or any other means the board deems appropriate for the health and safety of the members under the circumstances;
 - ii. Except to the extent such meeting is permitted to be held in executive session, provides a means for members of the Association to observe and, during open forum, participate in such meeting, either through audio or video means; and
 - iii. Publishes minutes of such meeting after the meeting minutes are formally adopted by the Board of Directors, using the same method of publication as was used to publish the notice of such meeting.
 - b. Call and conduct a membership meeting using video or audio conferencing without the necessity of meeting in a physical location. Participation by means of remote communication shall be subject to such guidelines and procedures the board of directors adopts. Members participating in a members' meeting by means of remote communication shall be deemed present and may vote at such a meeting if the corporation has implemented reasonable measures to:
 - i. Verify that each person participating remotely is a member or a member's proxy; and
 - ii. Provide such members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting, substantially concurrently with such proceedings.

Quorum at any such membership meeting shall be satisfied if at the time such meeting is called to order, the requisite percentage of votes of the Association are present by video or audio conferencing or by proxy, which may be submitted electronically. Any votes cast may be cast through electronic means, provided the method of voting is

through a secured means. Any election of directors may be conducted through an electronic voting platform, and the Board of Directors may designate a time prior to or during the conduct of the meeting when voting shall be closed.

- c. Call and conduct committee meetings using video or audio conferencing at which the committee may conduct any and all business assigned to such committee by the Declaration, Bylaws, Articles of Incorporation, resolution of the Board of Directors or applicable law, provided that the Association:
 - i. Publishes notice of the date, time and means of accessing such meeting in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, public service announcements, conspicuous posting on the association property, or any other means the board deems appropriate for the health and safety of the members under the circumstances;
 - ii. To the extent the meeting otherwise is required to be open to members under applicable law, provides a means for members of the Association to observe such meeting, either through audio or video means; and
 - iii. Publishes minutes of such meeting after the meeting minutes are formally adopted by the Board of Directors, using the same method of publication as was used to publish the notice of such meeting.
 - d. Cancel and reschedule an association meeting;
 - e. Designate assistant officers who are not directors. If the executive officer is incapacitated, the assistant officer has the same authority during a declared state of emergency as the executive officer he or she assists;
 - f. Relocate the association's principal office or designate an alternative principal office;
 - g. Notwithstanding a provision in the Declaration or governing Documents to the contrary, and regardless of whether such authority does not specifically appear in the declaration or other governing documents, levy special assessments without a vote of the owners;
 - h. Without owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the Association if operating funds are insufficient. This paragraph does not limit the general authority of the association to borrow money, subject to such restrictions contained in the declaration or other recorded governing documents; and
 - i. If the board determines that an immediate association rule change is required to address an imminent threat to public health or safety, or an imminent risk of substantial economic loss to the association, it may make an emergency rule change, and no notice is required. An emergency rule change is effective for the period of the state of emergency, unless the rule change provides for a shorter effective period.
2. The authority granted under subsection (1) is limited to any period during which the state or local governmental authority has declared a state of emergency.