

CHANGES TO CHAPTER 10B TAKE EFFECT JULY 12, 2010

SUMMARY OF CHANGES TO CHAPTER 10B OF THE COUNTY CODE.

Change in membership. 8 of the 15 members of the Commission must be residents of associations; the other 7 must be professionals who work for associations or in the real estate field. (Formerly, only 6 members had to be residents and 9 were professionals.) (Section 10B-3.)

Types of complaints that can be filed. Amendments to Section 10B-8 establish that the Commission now has jurisdiction over the following:

*association actions requiring a person to take an action or refrain from taking an involving the common areas as well as involving the person's own lot or unit (for example, disputes involving the right to use the association's parking lot);

*an association's failure to maintain the common areas in good condition if that failure results in damage to person or property; and

*an association's failure to make a decision concerning the enforcement of a rule against any person who is subject to the rule. However, an association's decision not to enforce a rule against a person is exempt from the Commission's jurisdiction if the decision is made in good faith. (The person filing the complaint must prove the existence of bad faith.)

Annual notice to members required. Every association must, at least once per year, give notice to all its members about the existence of, and the services offered by, the Commission. (Section 10B-7A.)

Special panel to decide motions to lift the automatic stay. Chapter 10B states that once a member files a complaint appealing an association's decision to take action against that member, the association may not take any action to enforce its decision without approval from the Commission. The amendments create a special hearing panel to rule in a speedy manner on motions to lift the automatic stay. (Section 10B-9A.)

Restrictions on use of proxies and powers of attorney in association elections. Proxies and powers of attorney created only for voting purposes in association elections may not be used unless they name the candidates for whom the votes are to be cast. (This is called a "directed" ballot.) Such a proxy or power of attorney is not valid if it gives the holder of the proxy or power of attorney the right to decide for whom to vote. (Section 10B-17.)