



## SB 89 REVISIONS TO SB 100 POLICIES & PROCEDURES

*Last Updated June 9, 2006*

	<b>Required Policy or Procedure</b>	<b>Association Action Required To Comply with SB 89?</b>
1	Adoption and amendment of policies, procedures and rules	No action required. Associations should remember to follow the steps provided for in this policy and procedure when making revisions to other policies and procedures.
2	Collection policy and procedures	No action required.
3	Meetings policy and procedures for board and member meetings	No action required, but association may revise policy to: <ul style="list-style-type: none"> <li>• Allow for parliamentary procedures like acclamation in uncontested elections for the board*</li> <li>• Require a secret ballot for other votes if requested by 20% of owners present in person or by proxy*</li> <li>• Allow secret ballots to be counted by a neutral third party or a committee of volunteer unit owners who are not board members and, in the case of contested elections, candidates*</li> </ul>
4	Inspection and copying of association records policy and procedure	Revise policy to specify that membership lists may not be obtained for reasons unrelated to the owner's interest as an owner without the consent of the board of directors.  Association may also choose to revise its policy to include the next regularly scheduled board or owner meeting, if occurring within 30 days of request, to definition of 'reasonably available.'*
5	Enforcement policy and procedures	No action required.
6	Handling board member conflicts of interest policy and procedures	Revise policy to state that a conflicting interest transaction entered into in violation of the conflict of interest provision is not voidable by a member or on behalf of the association if one or more of the following conditions are met: <ol style="list-style-type: none"> <li>1. Disclosures are made to the board and the board authorizes, approves or ratifies the conflicting interest transaction; or</li> <li>2. Disclosures are made to the owners and the owners approve the conflicting interest transaction; or</li> <li>3. The conflicting interest transaction is fair to the association</li> </ol> Association may also choose to revise its policy to allow a board member to vote after disclosing conflict*
7	Reserve fund and investment policy	Revise policy to reflect that board members are bound by the standard of conduct set out in section 7-128-401 of the Revised Nonprofit Act
8	Dispute resolution between owner & association policy and procedure	Adopt policy and procedure outlining the procedure for addressing disputes between the association and unit owners by 1/01/2007

\* Denotes changes now allowed by law, but not required. An association may choose not to take advantage of SB 89's modifications to SB100's requirements without penalty.



	<b>Recommended Policies and Procedures</b>	<b>Association Action Required to Comply With SB 89?</b>
1	Architectural review policy and procedures	No action required.
2	Procedures for claims submissions to association's insurance carrier	No action required, but the association should revise policy to provide that an owner has the right to file a claim as a named insured if the following conditions are met: <ul style="list-style-type: none"> <li>• Owner writes board regarding the subject matter of the claim</li> <li>• Board has 15 days to respond in writing</li> <li>• If requested, the owner must allow the board reasonable opportunity to inspect damages; and</li> <li>• The subject matter of the claim is within the association's insurance responsibilities.*</li> </ul>
3	Procedures regulating flags/flagpoles	Revise policy to apply to "occupants" as well as "unit owners"
4	Procedures regulating political signs	Revise policy to apply to "occupants" as well as "unit owners"  In addition, the association may revise policy to: <ul style="list-style-type: none"> <li>• Limit the size of political signs to the smaller of: 1) the size allowed by local ordinance or 2) 38"x 48" *</li> <li>• Allow one sign per candidate or issue, regardless of how many signs allowed by local ordinance*</li> </ul>
5	Xeriscaping guidelines	No action required.
6	Emergency vehicle parking policy and procedures	Revise policy to apply to "occupants" as well as "unit owners"  In addition, the association may revise policy to: <ul style="list-style-type: none"> <li>• Remove "other emergency services" from definition of emergency service providers*</li> <li>• Specify that parked emergency vehicles may not unreasonably interfere with the use of guest parking spaces*</li> </ul>
7	Procedures to be used by association in cooperating with owners selling units	Revise policy to specify that at the request of the seller, the association must provide association documents to the buyer

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