

On July 1, 2009 the Delaware Uniform Common Interest Ownership Act became effective. Several pertinent sections of the Act are summarized below.

CHAPTER 81. DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT

§ 81-119. Applicability to preexisting common interest communities and approved common interest communities [Effective July 1, 2009]

The Act applies to Willow Lake and all common interest communities in Delaware established prior July 1, 2009 but applies only to events and circumstances occurring after July 1, 2009 and the ACT does not invalidate existing provisions of the declaration, bylaws, code of regulations, declaration plan, or plats or plans of preexisting common interest communities.

§ 81-217. Amendment of declaration [Effective July 1, 2009]

Amendments of the declaration require a minimum of 67 percent for passage.

§81-302. Powers of unit owners' association [Effective July 1, 2009]The association may impose charges for late payment of assessments and after notice and an opportunity to be heard, may levy reasonable fines for violations of the declaration, bylaws and rules of the association.

§ 81-303. Executive board members and officers [Effective July 1, 2009]

(a) The declaration must create an executive board. Except as provided in the declaration, the bylaws, and provisions of this chapter, the executive board may act in all instances on behalf of the association.

§ 81-308A. Executive board meeting [Effective July 1, 2009]

After the period of declarant control ends, all meetings of the executive board shall be open to the unit owners except for executive sessions.

Note: Board meeting agenda, meeting date and location will be posted on the HOA website one week prior to each meeting. Since monthly meetings are held in a board member's home, it is requested that anyone wishing to attend, contact a member of the board at least one day prior to the meeting.

§ 81-308A (f) After termination of the period of declarant control, in lieu of a meeting, the executive board may act by unanimous consent but the executive board may not act by unanimous consent to: (i) adopt a rule, budget or special assessment, (ii) impose a fine or take action to enforce the declaration, bylaws or rules.

§ 81-316. Lien for assessments [Effective July 1, 2009]

If an assessment is payable in installments, the lien is for the full amount of the assessment from the time the first installment thereof becomes due. Unless the declaration provides for a different rate of interest, interest on unpaid assessments shall accrue at the rate of the lesser of 18% per annum or the highest rate permitted by law.

(1) No foreclosure action may be commenced unless: (A) the unit owner, at the time the action is commenced, owes a sum equal to at least 3 months of common expense assessments based on the periodic budget last adopted by the association pursuant to § 81-315(a) of this title; and (B) the executive board expressly votes to commence a foreclosure action against that specific unit.

81-323. Removal of members of executive board [Effective July 1, 2009] Owners can remove a member of the executive board by a two-thirds vote of all persons present, in person, by proxy or by ballot, and entitled to vote at any meeting of the unit owners at which a quorum is present.

The full text of the Delaware Uniform Common Interest Ownership Act can be found at the following web site.

<http://delcode.delaware.gov/title25/c081/index.shtml>