

MEMORANDUM

TO: UCIOA drafting committee members, ABA advisor and Observers
FROM: Bill Breetz
DATE: April 30, 2021

RE: Our last Committee meeting(s) before the ULC Annual Meeting

Greetings, all. Re-reading my last memo to you in February confirmed how quickly time passes. I wrote then: "...Here in Hartford, the snow is falling hard and it is difficult to think of much beyond COVID and the snow shoveling that will start my day today."

Barely two months later, as I write, it is a warm day here and raining – two welcome conditions. Moreover, us old timers now have two vaccinations behind us, making us "nearly invincible" as one friend observed.

Meanwhile, the Uniform Law Commission calendar continues on its course, bringing us ever closer to the ULC's first "hybrid" annual meeting – some of us in person, some on Zoom –neither fish nor fowl, but surely better than a year ago.

With those musings, I'll turn to the business at hand.

1. We are scheduled for our last two days of deliberations before Madison. In Madison, consideration of our proposed amendments to the Uniform Common Interest Ownership Act will be the first Act to be read, and we are scheduled to begin reading at 11 am on the first day of the meeting, July 9, and will continue into the afternoon that day. **For your information, I attach a copy of the full agenda for the Annual Meeting.**
2. As was the case in our last meeting, our upcoming meeting will consist of two Friday meetings: the first on May 7 and the second two weeks later, on May 21. I understand we will again receive an email shortly before both Friday meetings with a link to join our ZOOM meeting at 10 am CENTRAL time on both days.
3. In addition to the starting times, the Reporter and I have agreed to the following schedule each day –very similar to what we have done in the past:

- a. Meeting Begins – 10 am CENTRAL TIME
- b. No set time for a mid-morning break – feel free to step back from the computer as appropriate
- c. Lunch break - 1 pm CENTRAL TIME
- d. Meeting resumes- 2 pm CENTRAL TIME
- e. Meeting concludes - 5 pm CENTRAL TIME

4. You may recall the following language in my February memo to you:

At David Ramsey's suggestion, one of the subcommittees also discussed whether the Act should include a new section granting 'emergency powers' to the Executive Board. Florida has a very lengthy statute dealing with the subject; Jim Smith has prepared a very helpful memo dealing with the subject; that memo is also attached. If we have time after completing our primary task, I will ask the Committee to consider whether this is a topic that ought to be added to the Act; if so, we can provide Jim further guidance on the language. (Emphasis added)

As it turned out, we did not have time in February to consider the text included in Jim's memo nor were we able to discuss several other sections of the Act. We did, however, briefly talk about the pros and cons of adding emergency powers to the act, with the consensus that we should move forward. Therefore, after the last meeting, the subcommittee further revised the text in Jim's memo, and that language has been incorporated in the draft accompanying this memo as § 3-125.

5. In addition to the new Emergency Powers language, this draft incorporates all the changes discussed in our last meeting, and a variety of suggestions agreed to by the subcommittees on Master Associations (§ 2-120), Special Declarant Rights (§ 3-104) and Assessments (§ 3-115). Further, and importantly, the Style Committee has considered this draft just last week and Jim Smith has incorporated that Committee's recommendations into this draft. You will also note that all of the proposed changes since the February draft have been redlined.

6. Finally, Jim and I also agree that, since we are scheduled for only 12 hours of meeting time over our two day session, and since this will be our final meeting before the annual meeting, we will begin our review where we left off last time. We'll begin with the three related sections dealing with meetings and voting – that is, Sections

3-108, 3-109, and 3-110 – and review the entire draft from that point until the end of the Act and then move to the beginning of the Act.

That's it. I look forward to seeing you all soon.

Bill Breetz