

Effective October 1, the Condominium Act will require that board members can only be elected to annual (1-year) terms, coinciding with the annual meeting, or to no more than 2-year staggered terms. If your association documents already provide for 2-year staggered terms, we recommend that your association reaffirm this by a new vote with approval from a majority of the voting interests in order to continue using two year staggered terms.

If the association wants to adopt 2-year staggered terms as a new provision or your current association documents provide for staggered terms of 3 years or more, you must amend your documents accordingly. Staggered terms of 3 or more years are no longer allowed.

For upcoming elections, board members who are not up for election because they are in mid-term of a 3 year term may serve out the remainder of their term. If a board member's 3 year term expires at the next (upcoming) election the newly elected member is limited to either a 1-year or 2-year staggered term depending on how your documents are amended and approved by a majority of the voting interests. This process will repeat itself in subsequent annual elections until all board members are serving either 1-year or 2-year staggered terms.

Failure to adapt to this new law could result in financial penalties to the association or the association may be required to hold a new election.