



HOAs and E-Meetings

Communicating Electronically

During the COVID-19 Pandemic and Beyond

Due to the need for minimal social contact during the coronavirus pandemic, Annual Meetings, Board Meetings, and other HOA matters are either being postponed or cancelled. Boards are left wondering how to best keep their affairs running smoothly while still staying safe. So, what can a Board do?

Board Meetings

The Colorado Revised Nonprofit Act (“Act”) and the Association’s Bylaws may provide avenues to hold meetings and conduct Board activity electronically. Section 7-128-201(2) of the Act provides that “Unless otherwise provided in the bylaws, **the board of directors may permit any director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may hear each other during the meeting.**” At the same time, CCIOA provides that that Board meetings be open to the membership, **therefore the owners need to be allowed to participate via the same means of communication with the same rules applying.** The Association’s Bylaws may also have more specific language related to conducting business electronically or taking actions without a meeting.

Action Outside of Board Meetings

Boards may also be able to take action outside of Board meetings via email voting. For example, if the Bylaws allow it, Boards may vote on a specific action via email as long as the requirements of C.R.S. §7-128-201 of the Nonprofit Act are satisfied.

Member (Annual/Budget/Special) Meetings and Voting

Utilizing alternative ways to conduct membership meetings are even more important for events where many members usually gather. As you are aware, the Act provides ways for member engagement that do not require in-person interaction. If allowed by the ByLaws, some options accessible to Boards dealing with the effects of the coronavirus include:

- Using video conferencing to broadcast the Meetings
- Conducting Owner votes through mail-in ballots
- Conducting Owner votes through email/website
- Teleconferencing between Board Members and Owners

Remember that standard voting and meeting rules still apply. While these measures are good ways for Boards to encourage safety and productivity during the coronavirus, they can also be applied under everyday circumstances. Your Bylaws may speak more specifically to these matters, or they can be amended to do so. Please contact us for further questions.

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