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DIVISION 4. GENERAL PROVISIONS [3274 - 9566] (*Heading of Division 4 amended by Stats. 1988, Ch. 160, Sec. 16.)*

PART 5. Common Interest Developments [4000 - 6150] (*Part 5 added by Stats. 2012, Ch. 180, Sec. 2.)*

CHAPTER 6. Association Governance [4800 - 5450] (*Chapter 6 added by Stats. 2012, Ch. 180, Sec. 2.)*

ARTICLE 11. Emergency Powers and Procedures [5450- 5450.] (*Article 11 added by Stats. 2021, Ch. 276, Sec. 2.)*

5450. (a) This section only applies to a common interest development if gathering in person is unsafe or impossible because the common interest development is in an area affected by one or more of the following conditions:

- (1) A state of disaster or emergency declared by the federal government.
- (2) A state of emergency proclaimed by the Governor under Section 8625 of the Government Code.
- (3) A local emergency proclaimed by a local governing body or official under Section 8630 of the Government Code.

(b) Notwithstanding any other law or the association's governing documents, and except as provided in subdivision (d), a board meeting or meeting of the members may be conducted entirely by teleconference, without any physical location being held open for the attendance of any director or member, if all of the following conditions are satisfied:

- (1) Notice of the first meeting that is conducted under this section for a particular disaster or emergency affecting the association is delivered to members by individual delivery.
- (2) The notice for each meeting conducted under this section includes, in addition to other required content for meeting notices, all of the following:
 - (A) Clear technical instructions on how to participate by teleconference.
 - (B) The telephone number and electronic mail address of a person who can provide technical assistance with the teleconference process, both before and during the meeting.
 - (C) A reminder that a member may request individual delivery of meeting notices, with instructions on how to do so.
- (3) Every director and member has the same ability to participate in the meeting that would exist if the meeting were held in person.
- (4) Any vote of the directors shall be conducted by a roll call vote.
- (5) Any person who is entitled to participate in the meeting shall be given the option of participating by telephone.

(c) If, as a result of the disaster or emergency, mail delivery or retrieval is not possible at any association onsite address and the address on file with the association for that member is the same association onsite address, then the association shall send the notice of the first meeting referenced in paragraph (1) of subdivision (b) to any email address provided to the association by that member, in writing, pursuant to paragraph (2) of subdivision (a) of Section 4040 or subdivision (b) of Section 4041.

(d) Subdivision (b) does not apply to a meeting at which ballots are counted and tabulated pursuant to Section 5120, unless both of the following conditions are met:

- (1) The meeting at which ballots are to be counted and tabulated is conducted by video conference.

(2) The camera is placed in a location such that members can witness the inspector of elections counting and tabulating the votes.

(e) The remedies available pursuant to Section 4955 shall also be available to address violations of this section.

(Added by Stats. 2021, Ch. 276, Sec. 2. (SB 391) Effective September 23, 2021.)