

REFERENCE TITLE: meetings; homeowners' associations

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2607

Introduced by
Representative Parker B

AN ACT

AMENDING SECTIONS 33-1243, 33-1248, 33-1804 AND 33-1813, ARIZONA REVISED STATUTES; RELATING TO CONDOMINIUMS AND PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1243, Arizona Revised Statutes, is amended to
3 read:

4 33-1243. Board of directors and officers; conflict; powers;
5 limitations; removal; annual audit; applicability

6 A. Except as provided in the declaration, the bylaws, subsection B
7 of this section or other provisions of this chapter, the board of
8 directors may act in all instances on behalf of the association.

9 B. The board of directors shall not act on behalf of the
10 association to amend the declaration, terminate the condominium, elect
11 members of the board of directors or determine the qualifications, powers
12 and duties or terms of office of board of directors members. Except as
13 provided in subsection H of this section, the board of directors may fill
14 vacancies in its membership for the unexpired portion of any term.

15 C. If any contract, decision or other action for compensation taken
16 by or on behalf of the board of directors would benefit any member of the
17 board of directors or any person who is a parent, grandparent, spouse,
18 child or sibling of a member of the board of directors or a parent or
19 spouse of any of those persons, that member of the board of directors
20 shall declare a conflict of interest for that issue. The member shall
21 declare the conflict in an open meeting of the board before the board
22 discusses or takes action on that issue and that member may then vote on
23 that issue. Any contract entered into in violation of this subsection is
24 void and unenforceable.

25 D. Except as provided in the declaration, within thirty days after
26 adoption of any proposed budget for the condominium, the board of
27 directors shall provide a summary of the budget to all the unit owners.
28 Unless the board of directors is expressly authorized in the declaration
29 to adopt and amend budgets from time to time, any budget or amendment
30 shall be ratified by the unit owners in accordance with the procedures set
31 forth in this subsection. If ratification is required, the board of
32 directors shall set a date for a meeting of the unit owners to consider
33 ratification of the budget not fewer than fourteen ~~not~~ OR more than thirty
34 days after mailing of the summary. Unless at that meeting a majority of
35 all the unit owners or any larger vote specified in the declaration
36 rejects the budget, the budget is ratified, whether or not a quorum is
37 present. If the proposed budget is rejected, the periodic budget last
38 ratified by the unit owners shall be continued until such time as the unit
39 owners ratify a subsequent budget proposed by the board of directors.

40 E. The declaration may provide for a period of declarant control of
41 the association, during which period a declarant or persons designated by
42 the declarant may appoint and remove the officers and members of the board
43 of directors. Regardless of the period provided in the declaration, a
44 period of declarant control terminates ~~not~~ NOT later than the earlier of:

1 1. Ninety days after conveyance of seventy-five percent of the
2 units that may be created to unit owners other than a declarant.

3 2. Four years after all declarants have ceased to offer units for
4 sale in the ordinary course of business.

5 F. A declarant may voluntarily surrender the right to appoint and
6 remove officers and members of the board of directors before termination
7 of the period prescribed in subsection E of this section, but in that
8 event the declarant may require, for the duration of the period of
9 declarant control, that specified actions of the association or board of
10 directors, as described in a recorded instrument executed by the
11 declarant, be approved by the declarant before they become effective.

12 G. Not later than the termination of any period of declarant
13 control the unit owners shall elect a board of directors of at least three
14 members, at least a majority of whom must be unit owners. The board of
15 directors shall elect the officers. The board members and officers shall
16 take office on election.

17 H. Notwithstanding any provision of the declaration or bylaws to
18 the contrary, all of the following apply to a meeting at which a member of
19 the board of directors, other than a member appointed by the declarant, is
20 proposed to be removed from the board of directors:

21 1. The unit owners who are eligible to vote at the time of the
22 meeting may remove any member of the board of directors, other than a
23 member appointed by the declarant, by a majority vote of those voting on
24 the matter at a meeting of the unit owners.

25 2. The meeting of the unit owners shall be called pursuant to this
26 section and action may be taken only if a quorum is present.

27 3. The unit owners may remove any member of the board of directors
28 with or without cause, other than a member appointed by the declarant.

29 4. For purposes of calling for removal of a member of the board of
30 directors, other than a member appointed by the declarant, the following
31 apply:

32 (a) In an association with one thousand or fewer members, on
33 receipt of a petition that calls for removal of a member of the board of
34 directors and that is signed by the number of persons who are eligible to
35 vote in the association at the time the person signs the petition equal to
36 at least twenty-five percent of the votes in the association or by the
37 number of persons who are eligible to vote in the association at the time
38 the person signs the petition equal to at least one hundred votes in the
39 association, whichever is less, the board **OR THE UNIT OWNERS** shall call
40 and provide written notice of a special meeting of the association as
41 prescribed by section 33-1248, subsection B.

42 (b) Notwithstanding section 33-1248, subsection B, in an
43 association with more than one thousand members, on receipt of a petition
44 that calls for removal of a member of the board of directors and that is
45 signed by the number of persons who are eligible to vote in the

1 association at the time the person signs the petition equal to at least
2 ten percent of the votes in the association or by the number of persons
3 who are eligible to vote in the association at the time the person signs
4 the petition equal to at least one thousand votes in the association,
5 whichever is less, the board shall call and provide written notice of a
6 special meeting of the association. The board ~~OR THE UNIT OWNERS~~ shall
7 provide written notice of a special meeting as prescribed by section
8 33-1248, subsection B.

9 (c) The special meeting shall be called, noticed and held within
10 thirty days after receipt of the petition.

11 (d) For purposes of a special meeting called pursuant to this
12 subsection, a quorum is present if the number of owners who are eligible
13 to vote in the association at the time the person attends the meeting
14 equal to at least twenty percent of the votes of the association or the
15 number of persons who are eligible to vote in the association at the time
16 the person attends the meeting equal to at least one thousand votes,
17 whichever is less, is present at the meeting in person or as otherwise
18 ~~permitted~~ ALLOWED by law.

19 (e) If a civil action is filed regarding the removal of a board
20 member, the prevailing party in the civil action shall be awarded its
21 reasonable attorney fees and costs.

22 (f) The board of directors shall retain all documents and other
23 records relating to the proposed removal of the member of the board of
24 directors and any election or other action taken for that director's
25 replacement for at least one year after the date of the special meeting
26 and shall ~~permit~~ ALLOW members to inspect those documents and records
27 pursuant to section 33-1258.

28 (g) A petition that calls for the removal of the same member of the
29 board of directors shall not be submitted more than once during each term
30 of office for that member.

31 5. On removal of at least one but fewer than a majority of the
32 members of the board of directors at a special meeting of the membership
33 called pursuant to this subsection, the vacancies shall be filled as
34 provided in the condominium documents.

35 6. On removal of a majority of the members of the board of
36 directors at a special meeting of the membership called pursuant to this
37 subsection, or if the condominium documents do not provide a method for
38 filling board vacancies, the association shall hold an election for the
39 replacement of the removed directors at a separate meeting of the members
40 of the association that is held not later than thirty days after the
41 meeting at which the members of the board of directors were removed.

42 7. A member of the board of directors who is removed pursuant to
43 this subsection is not eligible to serve on the board of directors again
44 until after the expiration of the removed board member's term of office,

1 unless the condominium documents specifically provide for a longer period
2 of ineligibility.

3 I. For an association in which board members are elected from
4 separately designated voting districts, a member of the board of
5 directors, other than a member appointed by the declarant, may be removed
6 only by a vote of the members from that voting district, and only the
7 members from that voting district are eligible to vote on the matter or be
8 counted for purposes of determining a quorum.

9 J. Unless any provision in the condominium documents requires an
10 annual audit by a certified public accountant, the board of directors
11 shall provide for an annual financial audit, review or compilation of the
12 association. The audit, review or compilation shall be completed no later
13 than one hundred eighty days after the end of the association's fiscal
14 year and shall be made available on request to the unit owners within
15 thirty days after its completion.

16 K. This section does not apply to timeshare plans or associations,
17 or the period of declarant control under timeshare instruments, that are
18 subject to chapter 20 of this title.

19 Sec. 2. Section 33-1248, Arizona Revised Statutes, is amended to
20 read:

21 33-1248. Open meetings; exceptions; notice; policy statement

22 A. Notwithstanding any provision in the declaration, bylaws or
23 other documents to the contrary, all meetings of the unit owners'
24 association and the board of directors, and any regularly scheduled
25 committee meetings, are open to all members of the association or any
26 person designated by a member in writing as the member's representative
27 and all members or designated representatives so desiring shall be
28 ~~permitted~~ ALLOWED to attend and speak at an appropriate time during the
29 deliberations and proceedings. The board may place reasonable time
30 restrictions on those persons speaking during the meeting but shall ~~permit~~
31 ALLOW a member or a member's designated representative to speak once after
32 the board has discussed a specific agenda item but before the board takes
33 formal action on that item in addition to any other opportunities to
34 speak. The board shall provide for a reasonable number of persons to
35 speak on each side of an issue. Persons attending may audiotape or
36 videotape those portions of the meetings of the board of directors and
37 meetings of the members that are open. The board of directors of the
38 association shall not require advance notice of the audiotaping or
39 videotaping and may adopt reasonable rules governing the audiotaping or
40 videotaping of open portions of the meetings of the board and the
41 membership, but such rules shall not preclude such audiotaping or
42 videotaping by those attending, unless the board audiotapes or videotapes
43 the meeting and makes the unedited audiotapes or videotapes available to
44 members on request without restrictions on ~~its~~ THEIR use as evidence in
45 any dispute resolution process. Any portion of a meeting may be closed

1 only if that portion of the meeting is limited to consideration of one or
2 more of the following:

3 1. Legal advice from an attorney for the board or the association.
4 On final resolution of any matter for which the board received legal
5 advice or that concerned pending or contemplated litigation, the board may
6 disclose information about that matter in an open meeting except for
7 matters that are required to remain confidential by the terms of a
8 settlement agreement or judgment.

9 2. Pending or contemplated litigation.

10 3. Personal, health or financial information about an individual
11 member of the association, an individual employee of the association or an
12 individual employee of a contractor for the association, including records
13 of the association directly related to the personal, health or financial
14 information about an individual member of the association, an individual
15 employee of the association or an individual employee of a contractor for
16 the association.

17 4. Matters relating to the job performance of, compensation of,
18 health records of or specific complaints against an individual employee of
19 the association or an individual employee of a contractor of the
20 association who works under the direction of the association.

21 5. Discussion of a unit owner's appeal of any violation cited or
22 penalty imposed by the association except on request of the affected unit
23 owner that the meeting be held in an open session.

24 B. Notwithstanding any provision in the condominium documents, all
25 meetings of the unit owners' association and the board shall be held in
26 this state. A meeting of the unit owners' association shall be held at
27 least once each year. Special meetings of the unit owners' association
28 may be called by the president, by a majority of the board of directors or
29 by unit owners having at least twenty-five percent, or any lower
30 percentage specified in the bylaws, of the votes in the association. Not
31 fewer than ten ~~NOT~~ OR more than fifty days in advance of any meeting of
32 the unit owners, the secretary OF THE BOARD OR A REPRESENTATIVE DESIGNATED
33 BY THE UNIT OWNERS, AS APPLICABLE, shall cause notice to be hand delivered
34 or sent prepaid by United States mail to the mailing address of each unit
35 or to any other mailing address designated in writing by the unit owner.
36 The notice of any meeting of the unit owners shall state the date, time
37 and place of the meeting. The notice of any annual, regular or special
38 meeting of the unit owners shall also state the purpose for which the
39 meeting is called, including the general nature of any proposed amendment
40 to the declaration or bylaws, any changes in assessments that require
41 approval of the unit owners and any proposal to remove a director or
42 officer. The failure of any unit owner to receive actual notice of a
43 meeting of the unit owners does not affect the validity of any action
44 taken at that meeting.

1 C. Before entering into any closed portion of a meeting of the
2 board of directors, or on notice of a meeting under subsection D of this
3 section that will be closed, the board shall identify the paragraph under
4 subsection A of this section that authorizes the board to close the
5 meeting.

6 D. Notwithstanding any provision in the declaration, bylaws or
7 other condominium documents, for meetings of the board of directors that
8 are held after the termination of declarant control of the association,
9 notice to unit owners of meetings of the board of directors shall be given
10 at least forty-eight hours in advance of the meeting by newsletter,
11 conspicuous posting or any other reasonable means as determined by the
12 board of directors. An affidavit of notice by an officer of the
13 association is prima facie evidence that notice was given as prescribed by
14 this section. Notice to unit owners of meetings of the board of directors
15 is not required if emergency circumstances require action by the board
16 before notice can be given. Any notice of a board meeting shall state the
17 date, time and place of the meeting. The failure of any unit owner to
18 receive actual notice of a meeting of the board of directors does not
19 affect the validity of any action taken at that meeting.

20 E. Notwithstanding any provision in the declaration, bylaws or
21 other condominium documents, for meetings of the board of directors that
22 are held after the termination of declarant control of the association,
23 all of the following apply:

24 1. The agenda shall be available to all unit owners attending.

25 2. An emergency meeting of the board of directors may be called to
26 discuss business or take action that cannot be delayed for the forty-eight
27 hours required for notice. At any emergency meeting called by the board
28 of directors, the board of directors may act only on emergency
29 matters. The minutes of the emergency meeting shall state the reason
30 necessitating the emergency meeting. The minutes of the emergency meeting
31 shall be read and approved at the next regularly scheduled meeting of the
32 board of directors.

33 3. A quorum of the board of directors may meet by means of a
34 telephone conference if a speakerphone is available in the meeting room
35 that allows board members and unit owners to hear all parties who are
36 speaking during the meeting.

37 4. Any quorum of the board of directors that meets informally to
38 discuss association business, including workshops, shall comply with the
39 open meeting and notice provisions of this section without regard to
40 whether the board votes or takes any action on any matter at that informal
41 meeting.

42 F. It is the policy of this state as reflected in this section that
43 all meetings of a condominium, whether meetings of the unit owners'
44 association or meetings of the board of directors of the association, be
45 conducted openly and that notices and agendas be provided for those

1 meetings that contain the information that is reasonably necessary to
2 inform the unit owners of the matters to be discussed or decided and to
3 ensure that unit owners have the ability to speak after discussion of
4 agenda items, but before a vote of the board of directors or members is
5 taken. Toward this end, any person or entity that is charged with the
6 interpretation of these provisions, including members of the board ~~or~~ OF
7 directors and any community manager, shall take into account this
8 declaration of policy and shall construe any provision of this section in
9 favor of open meetings.

10 G. This section does not apply to timeshare plans or associations
11 that are subject to chapter 20 of this title.

12 Sec. 3. Section 33-1804, Arizona Revised Statutes, is amended to
13 read:

14 33-1804. Open meetings; exceptions; notice; policy statement

15 A. Notwithstanding any provision in the declaration, bylaws or
16 other documents to the contrary, all meetings of the members' association
17 and the board of directors, and any regularly scheduled committee
18 meetings, are open to all members of the association or any person
19 designated by a member in writing as the member's representative and all
20 members or designated representatives so desiring shall be ~~permitted~~
21 ~~ALLOWED~~ to attend and speak at an appropriate time during the
22 deliberations and proceedings. The board may place reasonable time
23 restrictions on those persons speaking during the meeting but shall ~~permit~~
24 ~~ALLOW~~ a member or member's designated representative to speak once after
25 the board has discussed a specific agenda item but before the board takes
26 formal action on that item in addition to any other opportunities to
27 speak. The board shall provide for a reasonable number of persons to
28 speak on each side of an issue. Persons attending may audiotape or
29 videotape those portions of the meetings of the board of directors and
30 meetings of the members that are open. The board of directors of the
31 association shall not require advance notice of the audiotaping or
32 videotaping and may adopt reasonable rules governing the audiotaping and
33 videotaping of open portions of the meetings of the board and the
34 membership, but such rules shall not preclude such audiotaping or
35 videotaping by those attending, unless the board audiotapes or videotapes
36 the meeting and makes the unedited audiotapes or videotapes available to
37 members on request without restrictions on ~~its~~ THEIR use as evidence in
38 any dispute resolution process. Any portion of a meeting may be closed
39 only if that closed portion of the meeting is limited to consideration of
40 one or more of the following:

41 1. Legal advice from an attorney for the board or the association.
42 On final resolution of any matter for which the board received legal
43 advice or that concerned pending or contemplated litigation, the board may
44 disclose information about that matter in an open meeting except for

1 matters that are required to remain confidential by the terms of a
2 settlement agreement or judgment.

3 2. Pending or contemplated litigation.

4 3. Personal, health or financial information about an individual
5 member of the association, an individual employee of the association or an
6 individual employee of a contractor for the association, including records
7 of the association directly related to the personal, health or financial
8 information about an individual member of the association, an individual
9 employee of the association or an individual employee of a contractor for
10 the association.

11 4. Matters relating to the job performance of, compensation of,
12 health records of or specific complaints against an individual employee of
13 the association or an individual employee of a contractor of the
14 association who works under the direction of the association.

15 5. Discussion of a member's appeal of any violation cited or
16 penalty imposed by the association except on request of the affected
17 member that the meeting be held in an open session.

18 B. Notwithstanding any provision in the community documents, all
19 meetings of the members' association and the board shall be held in this
20 state. A meeting of the members' association shall be held at least once
21 each year. Special meetings of the members' association may be called by
22 the president, by a majority of the board of directors or by members
23 having at least twenty-five percent, or any lower percentage specified in
24 the bylaws, of the votes in the association. Not fewer than ten ~~NOT~~ OR
25 more than fifty days in advance of any meeting of the members the
26 secretary OF THE BOARD OR A REPRESENTATIVE DESIGNATED BY THE MEMBERS, AS
27 APPLICABLE, shall cause notice to be hand-delivered or sent prepaid by
28 United States mail to the mailing address for each lot, parcel or unit
29 owner or to any other mailing address designated in writing by a member.
30 The notice shall state the date, time and place of the meeting. A notice
31 of any annual, regular or special meeting of the members shall also state
32 the purpose for which the meeting is called, including the general nature
33 of any proposed amendment to the declaration or bylaws, changes in
34 assessments that require approval of the members and any proposal to
35 remove a director or an officer. The failure of any member to receive
36 actual notice of a meeting of the members does not affect the validity of
37 any action taken at that meeting.

38 C. Before entering into any closed portion of a meeting of the
39 board of directors, or on notice of a meeting under subsection D of this
40 section that will be closed, the board shall identify the paragraph under
41 subsection A of this section that authorizes the board to close the
42 meeting.

43 D. Notwithstanding any provision in the declaration, bylaws or
44 other community documents, for meetings of the board of directors that are
45 held after the termination of declarant control of the association, notice

1 to members of meetings of the board of directors shall be given at least
2 forty-eight hours in advance of the meeting by newsletter, conspicuous
3 posting or any other reasonable means as determined by the board of
4 directors. An affidavit of notice by an officer of the corporation is
5 prima facie evidence that notice was given as prescribed by this section.
6 Notice to members of meetings of the board of directors is not required if
7 emergency circumstances require action by the board before notice can be
8 given. Any notice of a board meeting shall state the date, time and place
9 of the meeting. The failure of any member to receive actual notice of a
10 meeting of the board of directors does not affect the validity of any
11 action taken at that meeting.

12 E. Notwithstanding any provision in the declaration, bylaws or
13 other community documents, for meetings of the board of directors that are
14 held after the termination of declarant control of the association, all of
15 the following apply:

16 1. The agenda shall be available to all members attending.
17 2. An emergency meeting of the board of directors may be called to
18 discuss business or take action that cannot be delayed for the forty-eight
19 hours required for notice. At any emergency meeting called by the board
20 of directors, the board of directors may act only on emergency
21 matters. The minutes of the emergency meeting shall state the reason
22 necessitating the emergency meeting. The minutes of the emergency meeting
23 shall be read and approved at the next regularly scheduled meeting of the
24 board of directors.

25 3. A quorum of the board of directors may meet by means of a
26 telephone conference if a speakerphone is available in the meeting room
27 that allows board members and association members to hear all parties who
28 are speaking during the meeting.

29 4. Any quorum of the board of directors that meets informally to
30 discuss association business, including workshops, shall comply with the
31 open meeting and notice provisions of this section without regard to
32 whether the board votes or takes any action on any matter at that informal
33 meeting.

34 F. It is the policy of this state as reflected in this section that
35 all meetings of a planned community, whether meetings of the members'
36 association or meetings of the board of directors of the association, be
37 conducted openly and that notices and agendas be provided for those
38 meetings that contain the information that is reasonably necessary to
39 inform the members of the matters to be discussed or decided and to ensure
40 that members have the ability to speak after discussion of agenda items,
41 but before a vote of the board of directors or members is taken. Toward
42 this end, any person or entity that is charged with the interpretation of
43 these provisions, including members of the board of directors and any
44 community manager, shall take into account this declaration of policy and
45 shall construe any provision of this section in favor of open meetings.

1 Sec. 4. Section 33-1813, Arizona Revised Statutes, is amended to
2 read:

3 33-1813. Removal of board member; special meeting

4 A. Notwithstanding any provision of the declaration or bylaws to
5 the contrary, all of the following apply to a meeting at which a member of
6 the board of directors, other than a member appointed by the declarant, is
7 proposed to be removed from the board of directors:

8 1. The members of the association who are eligible to vote at the
9 time of the meeting may remove any member of the board of directors, other
10 than a member appointed by the declarant, by a majority vote of those
11 voting on the matter at a meeting of the members.

12 2. The meeting of the members shall be called pursuant to this
13 section and action may be taken only if a quorum is present.

14 3. The members of the association may remove any member of the
15 board of directors with or without cause, other than a member appointed by
16 the declarant.

17 4. For purposes of calling for removal of a member of the board of
18 directors, other than a member appointed by the declarant, the following
19 apply:

20 (a) In an association with one thousand or fewer members, on
21 receipt of a petition that calls for removal of a member of the board of
22 directors and that is signed by the number of persons who are eligible to
23 vote in the association at the time the person signs the petition equal to
24 at least twenty-five percent of the votes in the association or by the
25 number of persons who are eligible to vote in the association at the time
26 the person signs the petition equal to at least one hundred votes in the
27 association, whichever is less, the board **OR THE MEMBERS** shall call and
28 provide written notice of a special meeting of the association as
29 prescribed by section 33-1804, subsection B.

30 (b) Notwithstanding section 33-1804, subsection B, in an
31 association with more than one thousand members, on receipt of a petition
32 that calls for removal of a member of the board of directors and that is
33 signed by the number of persons who are eligible to vote in the
34 association at the time the person signs the petition equal to at least
35 ten percent of the votes in the association or by the number of persons
36 who are eligible to vote in the association at the time the person signs
37 the petition equal to at least one thousand votes in the association,
38 whichever is less, the board shall call and provide written notice of a
39 special meeting of the association. The board **OR THE MEMBERS** shall
40 provide written notice of a special meeting as prescribed by section
41 33-1804, subsection B.

42 (c) The special meeting shall be called, noticed and held within
43 thirty days after receipt of the petition.

44 (d) For purposes of a special meeting called pursuant to this
45 subsection, a quorum is present if the number of owners who are eligible

1 to vote in the association at the time the person attends the meeting
2 equal to at least twenty percent of the votes of the association or the
3 number of persons who are eligible to vote in the association at the time
4 the person attends the meeting equal to at least one thousand votes,
5 whichever is less, is present at the meeting in person or as otherwise
6 ~~permitted~~ ALLOWED by law.

7 (e) If a civil action is filed regarding the removal of a board
8 member, the prevailing party in the civil action shall be awarded its
9 reasonable attorney fees and costs.

10 (f) The board of directors shall retain all documents and other
11 records relating to the proposed removal of the member of the board of
12 directors and any election or other action taken for that director's
13 replacement for at least one year after the date of the special meeting
14 and shall ~~permit~~ ALLOW members to inspect those documents and records
15 pursuant to section 33-1805.

16 (g) A petition that calls for the removal of the same member of the
17 board of directors shall not be submitted more than once during each term
18 of office for that member.

19 5. On removal of at least one but fewer than a majority of the
20 members of the board of directors at a special meeting of the membership
21 called pursuant to this subsection, the vacancies shall be filled as
22 provided in the community documents.

23 6. On removal of a majority of the members of the board of
24 directors at a special meeting of the membership called pursuant to this
25 subsection, or if the community documents do not provide a method for
26 filling board vacancies, the association shall hold an election for the
27 replacement of the removed directors at a separate meeting of the members
28 of the association that is held not later than thirty days after the
29 meeting at which the members of the board of directors were removed.

30 7. A member of the board of directors who is removed pursuant to
31 this subsection is not eligible to serve on the board of directors again
32 until after the expiration of the removed board member's term of office,
33 unless the community documents specifically provide for a longer period of
34 ineligibility.

35 B. For an association in which board members are elected from
36 separately designated voting districts, a member of the board of
37 directors, other than a member appointed by the declarant, may be removed
38 only by a vote of the members from that voting district, and only the
39 members from that voting district are eligible to vote on the matter or be
40 counted for purposes of determining a quorum.