CHAPTER 319
SB 415 - FINAL VERSION

02/15/2018 0510s
2May2018... 1611h
05/23/2018 1994CofC

2018 SESSION

18-2771
10/01

SENATE BILL ***415***

AN ACT **relative to condominium unit owners' special meetings and voting proxies.**

SPONSORS: **Sen. Birdsell, Dist 19; Sen. Morse, Dist 22; Rep. LeBrun, Hills. 32; Rep. Almy, Graf. 13; Rep. Biggie, Hills. 23; Rep. Webb, Rock. 6**

COMMITTEE: **Commerce**

AMENDED ANALYSIS

This bill provides that a duly noticed condominium unit owners' special meeting may be held by the unit owners to vote on any proposal in the meeting notice. The bill also changes the proxy limitations on condominiums of 20 or fewer units.

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Explanation: **Matter added to current law appears in *bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT **relative to condominium unit owners' special meetings and voting proxies.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

319:1 Condominium Unit Owners' Meetings; Special Meetings. Amend RSA 356-B:37, II to read as follows:

II. An association shall hold a special meeting of unit owners to address any matter affecting the unit owners or the association if its president, a majority of the board of directors, or unit owners having at least 33 percent, or any lower percentage specified in the bylaws, of the votes in the association request that the secretary call the meeting. If the association does not notify unit owners of a special meeting within 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly notify all the unit owners of [~~an informational~~] *the special* meeting, the purpose of which shall be to present the issue to fellow residents and unit owners *and to vote on any proposal set forth in the meeting notice*. Only matters described in the meeting notice required by RSA 356-B:37-a may be considered at a special meeting.

319:2 Condominiums; Voting; Proxies. Amend RSA 356-B:39, IV(a) to read as follows:

IV.(a) The votes appertaining to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. A person may not cast undirected proxies representing more than 10 percent of the votes in the association *for a condominium of more than 20 units*. *A person may not cast undirected proxies representing a majority of the votes in the association for a condominium of 20 units or fewer.* The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners,

together with their notice of meeting and agenda, proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting; provided, however, this paragraph shall not apply if the condominium is comprised of time sharing interests.

319:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 25, 2018
Effective Date: August 24, 2018