



SPONSOR: Sen. Lockman & Rep. Bentz
Sens. Delcollo, Hansen, Lopez, Walsh; Reps. Bennett,
Dorsey Walker, Spiegelman, Yearick

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 109

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE COMMON INTEREST
COMMUNITY ADVISORY COUNCIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2546, Title 29 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 2546. Common Interest Community Advisory Council.

(a) ~~There is established the~~ The Common Interest Community Advisory Council ("Council"), ~~which shall consist~~
~~of the following members:~~ Council, referred to as "the Council" throughout this section, consists of 19 members. A
member who is on the Council by virtue position may appoint a designee to serve in their stead and at their pleasure.
Membership is comprised as follows:

(1) ~~Three members of the public who are members of the executive board of a common interest community, 1~~
~~from each county, appointed by the Governor;~~ The Governor shall appoint 3 members of the public who are residents
of common interest communities in this State, 1 from each county.

(2) ~~The Mayor of the City of Wilmington or a designee appointed by the Mayor;~~ Wilmington.

(3) ~~The County Executive of New Castle County or a designee appointed by the County Executive;~~ County.

(4) ~~The President of the Kent County Levy Court or a designee appointed by the President;~~ Court.

(5) ~~The President of the Sussex County Council or a designee appointed by the President;~~ Council.

(6) ~~Three members appointed by the Speaker of the House;~~ The Speaker of the House shall appoint 3
members.

(7) ~~Three members appointed by the President pro tempore of the Senate;~~ The President Pro Tempore of the
Senate shall appoint 3 members.

(8) ~~The Secretary of State or a designee appointed by the Secretary of State;~~ State.

(9) ~~Two~~ The President of the Delaware Bar Association shall appoint 2 members from the Real Property
Section of the Delaware State Bar Association whose practice involves the creation of, or the handling of disputes

arising from, common interest ~~communities, appointed by the President of the Delaware State Bar Association;~~
communities.

(10) The President of the Home Builders Association of ~~Delaware or a designee appointed by the President;~~
Delaware.

(11) The Chief Executive Officer of Community Associations ~~Institute or a designee appointed by the Chief~~
Executive Officer Institute.

(b) ~~The members of the Council shall serve~~ A member serves until a replacement is appointed pursuant to under
the same process as the member's appointment.

(c) ~~The members of the Council shall~~ Members serve without compensation, ~~except that they~~ but may be
reimbursed for reasonable necessary expenses incident to ~~their duties as members~~ the member's duties and in accordance
with State law.

(d) ~~The Chairperson of the Council shall be designated by the Attorney General~~ shall appoint the Council's Chair
from among the members of the Council.

(e) ~~The powers of the Council shall be exercised by a majority vote of all members present. A quorum of 9 shall~~
be necessary to hold a meeting of the Council. The number of members who must be present at a Council meeting in order
to have a quorum and conduct official business is the majority of members. Counting for quorum does not include member
positions that are vacant.

(f) The Council shall do all of the following:

(1) Advise the Ombudsperson regarding issues related to common interest communities, including any of the
following:

a. Mechanisms to increase the collection rate for common interest community ~~assessments;~~ assessments.

b. The development of conflict resolution procedures within common interest ~~communities;~~
communities.

c. The feasibility of mandatory mediation, arbitration, or ~~other forms~~ another form of alternative dispute
resolution for disputes not able to be resolved within common interest communities and, if deemed feasible, how
to implement such a ~~process;~~ process.

d. The development of mechanisms for the registration of common interest communities with the State or
other political ~~subdivision;~~ subdivision.

e. Any other topic the Council deems necessary to advise the Ombudsperson on related to common
interest communities.

(2) Advise the Ombudsperson in the operation of the Office.

(3) Study and recommend to the Ombudsperson the adoption, amendment, or rescission of Delaware law or ~~rules~~ rule of court procedure designed to improve the regulation and operation of common interest communities.

(4) Assist the Ombudsperson in the preparation of the annual report required of the Ombudsperson ~~by~~ under § 2544(16) of this title.

(g) The Ombudsperson shall provide support ~~as requested by the Council~~ that the Council requests. At a minimum, the Ombudsperson shall prepare the agenda for and minutes of Council meetings and shall post the agenda and minutes as required by the Freedom of Information Act, Chapter 100 of this title.

(h) The Council shall meet at least 4 times each year. The Chairperson, the Ombudsperson, or a majority of the members may call a special meeting of the Council.

SYNOPSIS

The Joint Legislative Oversight and Sunset Committee approved a project to work with the Governor's Office throughout 2018 and 2019 to identify antiquated boards, commissions, and councils that need statutory updates or outright repeals. The Common Interest Community Advisory Council was identified as needing a modification to provide that the Governor's appointments are Delaware residents, rather than members of the executive board, of a common interest community. This change will make it easier to fill Council vacancies.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lockman