

## SECTION 1.

Section 5910 of the Civil Code is amended to read:

### 5910.

A fair, reasonable, and expeditious dispute resolution procedure shall at a minimum satisfy all of the following requirements:

- (a) The procedure may be invoked by either party to the dispute. A request invoking the procedure shall be in writing.
- (b) The procedure shall provide for prompt deadlines. The procedure shall state the maximum time for the association to act on a request invoking the procedure.
- (c) If the procedure is invoked by a member, the association shall participate in the procedure.
- (d) If the procedure is invoked by the association, the member may elect not to participate in the procedure. If the member participates but the dispute is resolved other than by agreement of the member, the member shall have a right of appeal to the board.
- (e) A ~~resolution- written resolution, signed by both parties,~~ of a dispute pursuant to the ~~procedure,~~ ~~which procedure that~~ is not in conflict with the law or the governing ~~documents; documents~~ binds the association and is judicially enforceable. ~~An agreement- A written agreement, signed by both parties,~~ reached pursuant to the ~~procedure, which procedure that~~ is not in conflict with the law or the governing ~~documents; documents~~ binds the parties and is judicially enforceable.
- (f) The procedure shall provide a means by which the member and the association may explain their positions. *The member and association may be assisted by an attorney or another person in explaining their positions at their own cost.*
- (g) A member of the association shall not be charged a fee to participate in the process.

## SEC. 2.

Section 5915 of the Civil Code is amended to read:

### 5915.

- (a) This section applies to an association that does not otherwise provide a fair, reasonable, and expeditious dispute resolution procedure. The procedure provided in this section is fair, reasonable, and expeditious, within the meaning of this article.
- (b) Either party to a dispute within the scope of this article may invoke the following procedure:
  - (1) The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
  - (2) A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.
  - (3) The board shall designate a director to meet and confer.
  - (4) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. *The parties may be assisted by an attorney or another person at their own cost when conferring.*
  - (5) A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association.
- (c) ~~An- A written~~ agreement reached under this section binds the parties and is judicially enforceable if ~~both- it is signed by both parties and both~~ of the following conditions are satisfied:
  - (1) The agreement is not in conflict with law or the governing documents of the common interest development or association.
  - (2) The agreement is either consistent with the authority granted by the board to its designee or the agreement is ratified by the board.
- (d) A member ~~may shall~~ not be charged a fee to participate in the process.