

381.9161 Master associations.

- (1) If the declaration for a condominium provides that any of the powers described in KRS 381.9167 are to be exercised by or may be delegated to a for-profit or nonprofit corporation or unincorporated association which exercises those or other powers on behalf of one (1) or more condominiums or for the benefit of the unit owners of one (1) or more condominiums, all provisions of KRS 381.9101 to 381.9207 applicable to unit owners' associations apply to any such corporation or unincorporated association, except as modified by this section.
- (2) Unless a master association is acting in the capacity of an association described in KRS 381.9165, it may exercise the powers set forth in KRS 381.9167(1)(b) only to the extent expressly permitted in the declarations of condominiums which are part of the master association or expressly described in the delegations of power from those condominiums to the master association.
- (3) If the declaration of any condominium provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.
- (4) The rights and responsibilities of unit owners with respect to the unit owners' association set forth in KRS 381.9169, 381.9177, 381.9179, 381.9181, and 381.9185 apply in the conduct of the affairs of a master association only to those persons who elect the board of a master association, whether or not those persons are otherwise unit owners within the meaning of KRS 381.9101 to 381.9207.
- (5) Notwithstanding the provisions of KRS 381.9169(6) with respect to the election of the executive board of an association by all unit owners after the period of declarant control ends and even if a master association is also an association described in KRS 381.9165, the certificate of incorporation or other instrument creating the master association and the declaration of each condominium the powers of which are assigned by the declaration or delegated to the master association may provide that the executive board of the master association shall be elected after the period of declarant control in any of the following ways:
 - (a) All unit owners of all condominiums subject to the master association may elect all members of that executive board;
 - (b) All members of the executive boards of all condominiums subject to the master association may elect all members of that executive board;
 - (c) All unit owners of each condominium subject to the master association may elect specified members of that executive board; or
 - (d) All members of the executive board of each condominium subject to the master association may elect specified members of that executive board.

Effective: January 1, 2011

History: Created 2010 Ky. Acts ch. 97, sec. 31, effective January 1, 2011.