

Section 2.08. - Sample Provision Excerpt (Public Preview)

the sound management of the Townhome. The Board shall have the power to levy fines against the Townhome Owners for violations of reasonable rules and regulations established by it to govern the conduct of the T ownhome Owners. No fine may be levied for more than Fifty Dollars (\$50.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 2.08. (p. 4): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Ala. Code § 35-20-1 to 35-20-14 (Alabama Homeowners' Association Act); Ala. Code §§ 35-20-12, 10A-3-2.43 - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

Statutory / Legal Reference: Ala. Code § 35-20-1 to 35-20-14 (Alabama Homeowners' Association Act); Ala. Code §§ 35-20-12, 10A-3-2.43

Statutory Comparison: Under Ala. Code §§ 35-20-12, 10A-3-2.43 and Ala. Code §§ 35-20-1 to 35-20-14 (Alabama Homeowners' Association Act), an association cannot impose a fine or suspend common-area or voting rights without first providing written notice of the specific covenant violation, a reasonable opportunity to cure, and a formal opportunity to be heard in accordance with statutory timelines and fine limitations.

CURRENT WORDING IN DOCUMENT:
the sound management of the Townhome. The Board shall have the power to levy fines against the Townhome Owners for violations of reasonable rules and regulations established by it to govern the conduct of the T ownhome Owners. No fine may be levied for more than Fifty Dollars (\$50.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Update the fining and suspension procedure to require advance written notice of the specific violation, an opportunity to cure, a formal hearing procedure, and adherence to statutory fine limits under Ala.