

Section 3.5 - Sample Provision Excerpt (Public Preview)

Notice to the Association. In the event there is a change in the occupants of the Dwelling Unit (e.g., a death or a divorce) so that at least one (1) of the occupants is no longer fifty-five (55) years of age or older, the Owner must immediately notify the Association of such change in writing.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 3.5 (p. 6): Potential Issue for Review: Board meeting provisions omit the mandatory 48-hour advance notice and member right to speak prior to board action required under the Arizona Open Meeting Law (A.R.S. §§ 33-1804 and 33-1248) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: A.R.S. § 33-1804

Statutory Comparison: Under A.R.S. §§ 33-1804 and 33-1248, all meetings of the board of directors are open to all members, notice of board meetings must be provided at least 48 hours in advance including the purpose/agenda, and the board must permit members to speak before the board takes formal action on any item.

CURRENT WORDING IN DOCUMENT:

Notice to the Association. In the event there is a change in the occupants of the Dwelling Unit (e.g., a death or a divorce) so that at least one (1) of the occupants is no longer fifty-five (55) years of age or older, the Owner must immediately notify the Association of such change in writing.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Notwithstanding any contrary provision in this section, this covenant shall be administered and enforced strictly in accordance with A.R.S. § 33-1804.