ISSUE #1

Section 13.3 - Sample Provision Excerpt (Public Preview)

(2) suspend voting rights in the Association until the violation has been cured; and (3) suspend use privileges for Common Area recreational facilities until the violation has been cured. The determination of whether to impose any of the foregoing sanctions shall be within the sole discretion of the Board.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 13.3 (p. 1): Covenant suspending member voting rights is void under California Civil Code § 5105(g).

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1) (Davis-Stirling Act)

Statutory Comparison: Under California Civil Code § 5105(g)(1), an association shall not deny a ballot to a member for any reason other than not being a member at the time when ballots are distributed; suspending voting rights for assessment delinquency or disciplinary infractions is strictly prohibited.

CURRENT WORDING IN DOCUMENT:

(2) suspend voting rights in the Association until the violation has been cured; and (3) suspend use privileges for Common Area recreational facilities until the violation has been cured. The determination of whether to impose any of the foregoing sanctions shall be within the sole discretion of the Board.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Cal. Civ. Code § 5105(g)(1), the Association shall not suspend a member's voting rights or deny a ballot for assessment delinquency or governing document violations.