ISSUE #1

Section 7341 - Sample Provision Excerpt (Public Preview)

The membership rights and privileges, together with the voting rights of any Member, may be suspended by the Board for any period of time during which the assessments on his Unit remain unpaid, and for a period not to exceed thirty (30) days, for any infraction of the Association Rules after reasonable written notice and an opportunity for a hearing...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7341 (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:

The membership rights and privileges, together with the voting rights of any Member, may be suspended by the Board for any period of time during which the assessments on his Unit remain unpaid, and for a period not to exceed thirty (30) days, for any infraction of the Association Rules after reasonable written notice and an opportunity for a hearing...

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.