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ISSUE #1

Section 3.06(f) - Sample Provision Excerpt (Public Preview)

In addition, the Board may suspend the voting rights of an Owner or suspend the privileges of an Owner or its family, tenants, OF lessees, or their guests, iInvitees, or licensees use the Common Area, or assess monetary penalties against any owner or other person entitled to exercise such privileges for any violations of the provi- of the foregoing;

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 3.06(f) (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:

In addition, the Board may suspend the voting rights of an Owner or suspend the privileges of an Owner or its family, tenants, OF lessees, or their guests, iInvitees, or licensees use the Common Area, or assess monetary penalties against any owner or other person entitled to exercise such privileges for any violations of the provi- of the foregoing;

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.