ISSUE #1

Section c - Sample Provision Excerpt (Public Preview)

The Association shall have the right to suspend the voting rights of any owner for any period or which any assessment against his lot remains unpaid/ and for a period not to exceed thirty (jd) days for any infraction of its published rules and regulations, after· hearing 1 \by the Board of Directors of the Homeowners ASSociatiOni E.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. c (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 Association shall have the right to suspend the voting rights of any owner for any period or which any assessment against his lot remains unpaid/ and for a period not to exceed thirty (jd) days for any infraction of its published rules and regulations, after· hearing 1 \by the Board of Directors of the Homeowners ASSociatiOni E.

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.