ISSUE #1

Section 1. - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights and right to use of the common area and its recreational facilities by a member for any period during which any assessment against the lot remains unpaid and delinquent; and for a period not to exceed one year for any single infraction of the rules and regulations of the Association provided...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 1): Covenant suspending member voting rights conflicts with California Civil Code § 5105(g)(1).

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 right of the Association to suspend the voting rights and right to use of the common area and its recreational facilities by a member for any period during which any assessment against the lot remains unpaid and delinquent; and for a period not to exceed one year for any single infraction of the rules and regulations of the Association provided...

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.