ISSUE #1

Section 4 - Sample Provision Excerpt (Public Preview)

After providing the Homeowner with notice and opportunity to be heard, the Association may impose a monetary fine, suspend recreational privileges, suspend voting rights, deactivate of electronic entry devices for common area recreational amenities, or impose a compliance assessment against the Homeowner.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4 (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:

After providing the Homeowner with notice and opportunity to be heard, the Association may impose a monetary fine, suspend recreational privileges, suspend voting rights, deactivate of electronic entry devices for common area recreational amenities, or impose a compliance assessment against the Homeowner.

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.