ISSUE #1

Section JASMINE CREEK - Sample Provision Excerpt (Public Preview)

(d) The right of the Association to suspend the voting rights and/or the right to use of the recreational facilities, if any, by a Member for any period during which any assessment against his Lot remains unpaid and delinquent; and for @ period not to exceed thirty (30) days for any single infraction of the rules and regulations of the Association...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. JASMINE CREEK (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:

(d) The right of the Association to suspend the voting rights and/or the right to use of the recreational facilities, if any, by a Member for any period during which any assessment against his Lot remains unpaid and delinquent; and for @ period not to exceed thirty (30) days for any single infraction of the rules and regulations of the Association...

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.