ISSUE #1

Section 17.1 - Sample Provision Excerpt (Public Preview)

Additionally, the Association may suspend the voting rights and right to use the Common Area facilities for up to thirty (30) days due to a violation of the Governing Documents by any Member, or his or her guests, tenants, or fami1y members.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 17.1 (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:

Additionally, the Association may suspend the voting rights and right to use the Common Area facilities for up to thirty (30) days due to a violation of the Governing Documents by any Member, or his or her guests, tenants, or fami1y members.

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.