ISSUE #1

Section 2.1. - Sample Provision Excerpt (Public Preview)

of the Association upon the vote or written assent of a majority of the voting power of Members other than Declarant to suspend the voting rights and the right to use the recreational facilities by an Owner for any period during which any assessment against his Lot remains unpaid I and for a period not to exceed sixty (60) days for any infraction...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.1. (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:

of the Association upon the vote or written assent of a majority of the voting power of Members other than Declarant to suspend the voting rights and the right to use the recreational facilities by an Owner for any period during which any assessment against his Lot remains unpaid I and for a period not to exceed sixty (60) days for any infraction...

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.