

Section CLEARNACE OF VIOLATION - Sample Provision Excerpt (Public Preview)

CLEARNACE OF VIOLATION

In the event a repeat violation occurs more than twelve (12) months after the initial violation and penalty assessment, the Board will not consider the prior violation in its determination of penalties.

6.

ISSUE #1: SCHEDULE OF PENALTY ASSESSMENTS

- a. First Offense (any violation) - \$25.00
- b. Second Offense (same violation) - Up to \$100.00
- c.

MARKUP #1 ->



MARKUP #1 · MANDATORY RESERVE & DEFICIT DISCLOSURE

BOARD & COUNSEL REVIEW

Sec. CLEARNACE OF VIOLATION (p. 11): Reserve provisions omit the mandatory 3-year visual reserve component inspection and annual Reserve Funding Plan disclosure requirements under California Civil Code §§ 5550 and 5300.

Statutory / Legal Reference: Cal. Civ. Code § 5550 & 5300(b)(3)

Statutory Comparison: Under Cal. Civ. Code § 5550, the board must cause a reasonably competent and diligent visual inspection of accessible major components to be conducted at least once every three (3) years, review the study annually, and include the Reserve Funding Plan and Assessment and Reserve Funding Disclosure Summary (Civil Code § 5570) in the Annual Budget Report under § 5300.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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