ISSUE #1

Section 5.4Membership - Sample Provision Excerpt (Public Preview)

(b) suspend voting rights in the Association; (c) suspend use privileges for any recreational facilities within the Development; and (d) commence any legal or equitable action for damages, injunctive relief or both.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.4Membership (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:

(b) suspend voting rights in the Association; (c) suspend use privileges for any recreational facilities within the Development; and (d) commence any legal or equitable action for damages, injunctive relief or both.

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.