

ISSUE #1

Section 1: [Article VII, Section 7.3] Suspension of Common Privileges and Fines Without Hearing

If any Unit Owner is more than fifteen (15) days delinquent in the payment of monthly assessments or commits any infraction of the Rules and Regulations, the Board of Directors or Managing Agent may immediately suspend the Unit Owner's pool passes, fitness room access, and package delivery services and levy a \$100.00 fine without a prior hearing.

Section 2: [Article X, Section 10.2] Resale Certificate Delivery and Fee

Upon written request by a Unit Owner in connection with the resale of a Unit, the Board of Directors shall have twenty-one (21) business days to furnish a Certificate of Resale and copies of the Condominium Instruments.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Fining clause authorizes the imposition of fines or penalties without prior written notice and an opportunity to be heard before the Executive Board under D.C. Official Code § 42-1903.08(a)(11).

Statutory / Legal Reference: D.C. Official Code § 42-1903.08(a)(11); 14 DCMR Ch. 34 - 35 (DHCD Condominium & Cooperative Regulations)

Statutory Comparison: Under D.C. Official Code § 42-1903.08(a)(11), the unit owners' association may levy a reasonable fine for violation of the condominium instruments or rules and regulations only after notice and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

[Article VII, Section 7.3] Suspension of Common Privileges and Fines Without Hearing If any Unit Owner is more than fifteen (15) days delinquent in the payment of monthly assessments or commits any infraction of the Rules and Regulations, the Board of Directors or Managing Agent may immediately suspend the Unit Owner's pool passes, fitness room access, and package delivery services and levy a \$100.00 fine without a prior hearing.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to D.C. Official Code § 42-1903.08(a)(11), no fine or monetary penalty shall be levied against a Unit Owner unless the Executive Board first provides written notice of the alleged violation and a fair opportunity to be heard before the Executive Board.