

ISSUE #1

Section 1: [Bylaw XV / House Rules Appendix] Enforcement of House Rules and Summary Fines

In the event of a violation of the House Rules by a Shareholder or occupant, the General Manager may immediately assess a fine against the Shareholder's monthly carrying charge account and deactivate the Shareholder's amenity key fobs and garage access without prior hearing before the Board of Directors.

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:

[Bylaw XV / House Rules Appendix] Enforcement of House Rules and Summary Fines In the event of a violation of the House Rules by a Shareholder or occupant, the General Manager may immediately assess a fine against the Shareholder's monthly carrying charge account and deactivate the Shareholder's amenity key fobs and garage access without prior hearing before the Board of Directors.

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.