

Section 1: [Declaration Article VII, Section 7.14] Solar Collectors and Roof Equipment

Solar panels, solar water heaters, and associated roof-mounted equipment shall not be installed on any portion of a roof facing a street or golf course, and must be placed exclusively on the rear slope of the roof below the ridgeline where not visible from any street or adjacent Lot, regardless of roof orientation. The Architectural Review Committee may deny any solar installation that it determines detracts from the aesthetic appearance of the neighborhood.

MARKUP #1 ->

ISSUE #1Section 2: [Declaration Article IX, Section 9.4] Right of Self-Help Entry and Abatement

Whenever an Owner fails to maintain their Lot, lawn, exterior structure, or fence in a manner satisfactory to the Board of Directors, the Association, its agents, and contractors shall have the right, after five (5) days' written notice posted on the front door, to enter upon the Lot, forcefully remove any unauthorized improvement or sign, perform maintenance, and assess the cost plus a twenty-five percent (25%) administrative surcharge as a lien against the Lot.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Fining & Enforcement Due Process Defect: Clause authorizes pre-hearing fines, enforcement of unwritten arbitrary rules, immediate privilege suspensions without hearing, or non-independent fining panels in conflict with FL law.

Statutory / Legal Reference: Fla. Stat. § 720.305(2); Fla. Stat. Ch. 720 (Homeowners' Association Act)

Statutory Comparison: Under Fla. Stat. §§ 720.305(2), 718.303(3); Fla. Stat. Ch. 720 (Homeowners' Association Act), monetary fines and privilege suspensions require clearly promulgated written rules, advance written notice of the violation and cure period, pre-hearing opportunity to be heard (and in New Jersey under N.J.S.A. 45:22A-44(c), notice of the right to housing-related Alternative Dispute Resolution) before any fine becomes final.

CURRENT WORDING IN DOCUMENT:

[Declaration Article IX, Section 9.4] Right of Self-Help Entry and Abatement Whenever an Owner fails to maintain their Lot, lawn, exterior structure, or fence in a manner satisfactory to the Board of Directors, the Association, its agents, and contractors shall have the right, after five (5) days' written notice posted on the front door, to enter upon the Lot, forcefully remove any unauthorized improvement or sign, perform maintenance, and assess the cost plus a twenty-five percent (25%) administrative surcharge as a lien against the Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to require written notice, statutory cure rights, and a pre-imposition hearing/ADR opportunity in strict compliance with Fla. Stat. §§ 720.305(2), 718.303(3); Fla. Stat. Ch. 720 (Homeowners' Association Act).