

Section 10 - Sample Provision Excerpt (Public Preview)

i. If the annual dues assessment, any part or installment thereof or any other fine, special assessment or charge is not paid in full within ten (10) days of the due date, or such later date as * may be provided by the Board:
a late charge equal to the greater of Ten and No/100 Dollars (\$10.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 10 (p. 13): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under O.C.G.A. § 44-3-223; O.C.G.A. § 44-3-220 to 44-3-235 (Georgia Property Owners' Association Act) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

Statutory / Legal Reference: O.C.G.A. § 44-3-223; O.C.G.A. § 44-3-220 to 44-3-235 (Georgia Property Owners' Association Act)

Statutory Comparison: Under O.C.G.A. § 44-3-76, every owner and occupant must comply with the recorded instrument, bylaws, and rules and regulations, and the association is empowered to impose fines or suspend voting rights or rights to use common areas only "to the extent provided in the instrument." Board-adopted rules cannot independently create fining power where the recorded Declaration does not authorize fines,...

CURRENT WORDING IN DOCUMENT:

i. If the annual dues assessment, any part or installment thereof or any other fine, special assessment or charge is not paid in full within ten (10) days of the due date, or such later date as * may be provided by the Board: a late charge equal to the greater of Ten and No/100 Dollars (\$10.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Pursuant to O.C.G.A. § 44-3-76, the Board of Directors may impose reasonable fines or suspend an Owner's right to vote or use Common Areas only as expressly authorized by the recorded Declaration.