

Section 11 - Sample Provision Excerpt (Public Preview)

, Voting by Members of the Association, is amended to add the following new section at the end thereof:

D.

Suspension of Voting Rights: No member shall be eligible to vote, either in person or by proxy, or to be elected to the Board if that member is shown on the books or management accounts of the Association to be more

than sixty (60) days delinquent in...

ISSUE #1

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 11 (p. 15): Fining and suspension provisions omit written notice and an opportunity to be heard prior to imposing sanctions under O.C.G.A. § 44-3-76.

Statutory / Legal Reference: O.C.G.A. § 44-3-76

Statutory Comparison: Under O.C.G.A. § 44-3-76 and Georgia nonprofit due process standards (O.C.G.A. § 14-3-621), fines and suspensions of common area or voting rights must be expressly authorized by the recorded instrument and accompanied by fair and reasonable prior written notice and an opportunity for the owner to be heard before the sanction takes effect.

CURRENT WORDING IN DOCUMENT:

, Voting by Members of the Association, is amended to add the following new section at the end thereof: D. Suspension of Voting Rights: No member shall be eligible to vote, either in person or by proxy, or to be elected to the Board if that member is shown on the books or management accounts of the Association to be more than sixty (60) days delinquent in...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

, Voting by Members of the Association, is amended to add the following new section at the end thereof: **D. Suspension of Voting Rights: No member shall be eligible to vote, either in person or by proxy, or to be elected to the Board if that member is shown on the books or management accounts of the Association to be more than sixty (60) days delinquent in any payment due the Association.**