

Section (a) - Sample Provision Excerpt (Public Preview)

Leasing. Leasing of the Lots is permitted only as provided herein.
(b) Definitions.
"Leasing" is defined as the regular, exclusive occupancy of a Lot by any person or persons other than the Owner; provided, however, leasing shall not include exclusive occupancy by the spouse, child, parent, grandparent or grandchild of an Owner and shall not include...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. (a) (p. 2): 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 - 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

Statutory Comparison: Under O.C.G.A. § 44-3-223 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:

Leasing. Leasing of the Lots is permitted only as provided herein.
(b) Definitions. "Leasing" is defined as the regular, exclusive occupancy of a Lot by any person or persons other than the Owner; provided, however, leasing shall not include exclusive occupancy by the spouse, child, parent, grandparent or grandchild of an Owner and shall not include...

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: SECTION: FINING & SUSPENSION DUE PROCESS (O.C.G.A. § 44-3-223) Prior to imposing any fine or suspending common area use rights for a covenant violation, the Board shall serve the Owner with written notice...