

Section 8. - Sample Provision Excerpt (Public Preview)

Suspension of Voting Rights. A member's voting rights shall be suspended for any period during which any assessment against the member's Lot(s) remains unpaid. The Board of Directors may suspend, for a period not to exceed sixty (60) days, a member's voting rights for any infraction of the Association's published rules and regulations.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8. (p. 2): Voting rights suspension clause lacks Iowa statutory notice, hearing due process, or delinquency safeguards (Iowa Code § 504.622 & § 499B.15).

Statutory / Legal Reference: Iowa Code § 504.622 & § 499B.15; Iowa Code Ch. 504 & § 614.24 (Stale Uses & Reversions Act); Iowa Code Ch. 504 (Revised Iowa Nonprofit Corporation Act)

Statutory Comparison: Under Iowa community association and nonprofit corporation statutes (Iowa Code § 504.622 & § 499B.15; Iowa Code Ch. 504 (Revised Iowa Nonprofit Corporation Act)), member voting rights are a fundamental corporate governance right and may not be summarily suspended without strict compliance with statutory delinquency thresholds, prior written notice, and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

Suspension of Voting Rights. A member's voting rights shall be suspended for any period during which any assessment against the member's Lot(s) remains unpaid. The Board of Directors may suspend, for a period not to exceed sixty (60) days, a member's voting rights for any infraction of the Association's published rules and regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that any suspension of voting or membership privileges (to the extent permitted by Iowa law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with Iowa Code § 504.622 & § 499B.15 and Iowa Code Ch. 504 (Revised Iowa Nonprofit Corporation Act).