

Section 1. - Sample Provision Excerpt (Public Preview)

(b) Suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 4): Voting rights suspension clause lacks Maryland statutory notice, hearing due process, or delinquency safeguards (Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing)).

Statutory / Legal Reference: Md. Code, Real Prop. § 11B-111.10 (Dispute Settlement Notice & Hearing); Md. Code, Real Prop. Title 11B (Maryland Homeowners Association Act); Md. Code, Corps. & Ass'ns Title 5, Subt. 2

Statutory Comparison: Under Maryland community association and nonprofit corporation statutes (Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing); Md. Code, Corps. & Ass'ns Title 5, Subt. 2), 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...

CURRENT WORDING IN DOCUMENT:

(b) Suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that any suspension of voting or membership privileges (to the extent permitted by Maryland law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing) and Md. Code, Corps. & Ass'ns Title 5, Subt. 2.