

Section 2. - Sample Provision Excerpt (Public Preview)

Dues: Annual Membership dues of the Association shall be suggested by the Board of Directors and confirmed by a vote of the Voting Membership. Membership fees for each year shall be due and payable by May 1st of each year.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 2. (p. 3): 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 Minn. Stat. § 515B.3-102(a)(11), (c) - (d) (Laws 2023, ch. 62) - 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: Minn. Stat. § 515B.3-102(a)(11), (c) - (d) (Laws 2023, ch. 62)

Statutory Comparison: Under Minn. Stat. § 515B.3-102(a)(11) and (c) - (d) (effective January 1, 2024), before levying any fine, the association must provide dated written notice specifying the date, time, and nature of the violation, the specific governing provision violated, the timeframe to cure the violation, and the right to a hearing before the board.

CURRENT WORDING IN DOCUMENT:

Dues: Annual Membership dues of the Association shall be suggested by the Board of Directors and confirmed by a vote of the Voting Membership. Membership fees for each year shall be due and payable by May 1st of each year.

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: Prior to imposing any fine, the Association shall deliver a dated written notice to the Unit Owner stating: (1) the date, time, and nature of the violation and the specific governing document provision...