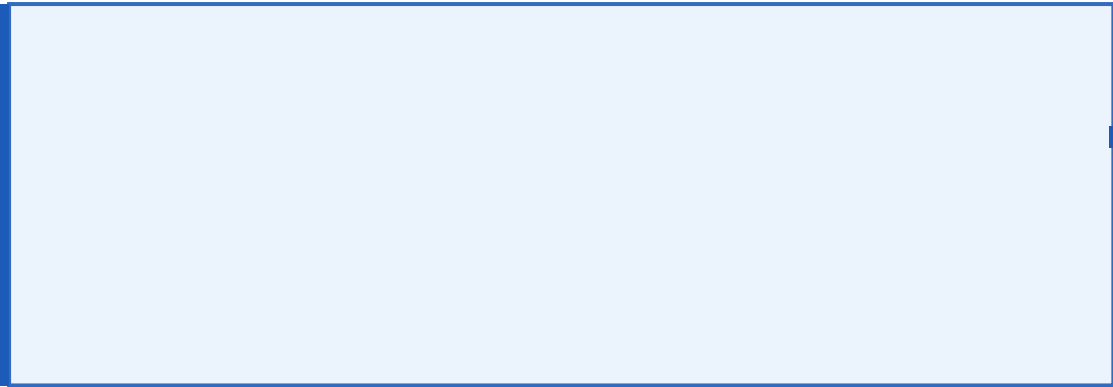


Section 6. - Sample Provision Excerpt (Public Preview)

VACANCIES - Any director who misses two consecutive meetings without good cause as determined by the Board may, at the discretion of the Board, be removed from office. Any vacancy may be filled for the remainder of the term by the affirmative vote of a majority of the directors then in office.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 6. (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:

VACANCIES - Any director who misses two consecutive meetings without good cause as determined by the Board may, at the discretion of the Board, be removed from office. Any vacancy may be filled for the remainder of the term by the affirmative vote of a majority of the directors then in office.

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...