



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

G. No activity shall be done or maintained in any Unit or upon any Common Area which will increase the rate of insurance on any Unit or the Common Area or result in the cancellation of insurance thereon, unless such activity is first approved in writing by the Board of Directors and any increase in insurance is to be the responsibility of the Unit that has caused the insurance increase. No waste shall be committed or stored in the Common Area. In the use of the Units and the Common Area of the Condominium, Owners shall obey and abide by all valid laws, ordinances and zoning and other governmental regulations affecting the same and all applicable Rules adopted by the Board of Directors. The Common Area shall be used only for the furnishing of the services and facilities for which they are reasonably suited and which are incident to the use and occupancy of the Units.

H. Nothing shall be stored on the Common Area without the prior, written consent of the Board of Directors.

I. Owners, or their tenants, are entitled to maintain only registered and operable vehicles on the Property unless otherwise determined to be a nuisance by the Board of Directors. Unregistered and/or uninspected motor vehicles are not allowed on the Property without the express, written permission of the Board of Directors and are subject to being towed at the Owner's expense.

No vehicle maintenance of any kind, with the exception of changing a flat tire or other such minor or emergency repairs, the determination of which is left to the discretion of the Board of Directors, shall be conducted at the Association. Owners are strongly recommended to receive permission from the Board of Directors before undertaking any such repairs or maintenance.

The Board of Directors is expressly granted the authority to take any action it may need to take, including fining or acquiring a Court Order, to enforce the provisions herein mentioned. Its remedy is expressly not limited to towing any offending vehicles, but may include towing.

Nothing is allowed to be stored in the parking spaces other than operable vehicles and boats and any other items expressly allowed, in writing, by the Board of Directors.

J. Noise. No Owner, guests, tenant, and/or lessee is allowed to create noise, personally or through the use of such items as musical instruments, radios, televisions or other sources such that such noise become a nuisance to another Owner, guest tenant and/or lessee, the determination of which is left to the sole discretion of the Board of Directors. There shall be no discharging of firearms or fireworks on the Property.

Sec. I (p. 39): Fining clause authorizes the imposition of fines or penalties without prior written notice and a fair opportunity to be heard before the Board of Directors under N.H. RSA 356-B:42.

Statutory / Legal Reference: N.H. Rev. Stat. Ann. (RSA) § 356-B:42, I(c)

Statutory Comparison: Under N.H. RSA 356-B:42, I(c), the unit owners' association has the power to levy reasonable fines for violations of the condominium instruments or rules and regulations of the association only after notice and an opportunity to be heard. Summary or automatic fining without a hearing opportunity is unenforceable under New Hampshire law.

CURRENT WORDING IN DOCUMENT:

action it may need to take, including fining or acquiring a Court Order, to enforce the provisions herein mentioned. Its remedy is expressly not limited to towing any offending vehicles, but may include towing. Nothing is allowed to be stored in the parking spaces other than operable vehicles and boats and any other items expressly allowed, in writing, by the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to N.H. RSA 356-B:42, I(c), no fine or disciplinary assessment shall be imposed against a Unit Owner unless the Board of Directors first provides written notice of the alleged violation and a reasonable opportunity to be heard at a meeting of the Board.

ISSUE #1