ISSUE #1

Section 4.5 - Sample Provision Excerpt (Public Preview)

of this Section 4.5, there shall be an immediate fine of $150 for the first occurrence and $250 for each such additional occurrence involving the applicable scope of work. Villages at Kessler Farm Amended & Restated Rules & Regulations Effective Date: __Feb.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.5 (p. 1): 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. Note for review: also look for any subsequent recorded amendment or standalone Fining/Enforcement Policy not included in the uploaded documents that may already supersede or cure this provision.

CURRENT WORDING IN DOCUMENT:

of this Section 4.5, there shall be an immediate fine of $150 for the first occurrence and $250 for each such additional occurrence involving the applicable scope of work. Villages at Kessler Farm Amended & Restated Rules & Regulations Effective Date: __Feb.

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.