

Section 3 - Sample Provision Excerpt (Public Preview)

be entitled to membership privileges, but shall be exempt from any penalties imposed by virtue of not being a member. All other penalties, restrictions and obligations shall apply, however, all monetary penalties that may otherwise be imposed, shall be twice the maximum penalty that could be imposed against a member for that violation.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 4): 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 N.J.S.A. 45:22A-44(c); N.J.S.A. 45:22A-21 et seq. (PREDFDA) (Mandatory Housing-Related ADR Prerequisite) - 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: N.J.S.A. 45:22A-44(c); N.J.S.A. 45:22A-21 et seq. (PREDFDA) (Mandatory Housing-Related ADR Prerequisite)

Statutory Comparison: Under N.J.S.A. 45:22A-44(c); N.J.S.A. 46:8B-14(k) (Mandatory Housing-Related ADR Prerequisite), monetary fines and privilege suspensions require clearly promulgated written rules, advance written notice of the violation and cure period, and a pre-hearing opportunity to be heard (including notice of the right to housing-related Alternative Dispute Resolution under N.J.S.A.

CURRENT WORDING IN DOCUMENT:

be entitled to membership privileges, but shall be exempt from any penalties imposed by virtue of not being a member. All other penalties, restrictions and obligations shall apply, however, all monetary penalties that may otherwise be imposed, shall be twice the maximum penalty that could be imposed against a member for that violation.

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: Amend Section 3 to require written notice, statutory cure rights, and a pre-imposition hearing/ADR opportunity in strict compliance with N.J.S.A. 45:22A-44(c); N.J.S.A.