

Section RULES, REGULATIONS AND POLICIES - Sample Provision Excerpt (Public Preview)

reasonable notice to the Owners, shall have the right to enter upon any portion of the Property and into and upon any unit at any reasonable hour to carry out its functions as provided for in this article, except that in an emergency, the Association shall have the right, without notice, to enter upon any portion of the Property and into any unit to...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. RULES, REGULATIONS AND POLICIES (p. 11): Fining provision permits the Board or managing agent to impose summary or automatic monetary fines without prior written notice and a reasonable opportunity to be heard.**

Statutory / Legal Reference: N.Y. Not-for-Profit Corp. Law § 507(a)

Statutory Comparison: Under N.Y. Not-for-Profit Corp. Law § 507(a), each unit owner, shareholder, or member must comply strictly with the bylaws, rules, and covenants, and any monetary fine or penalty must be expressly authorized in the bylaws (or proprietary lease), non-confiscatory, and imposed only after written notice of the alleged violation and a fair opportunity to be heard.

**CURRENT WORDING IN DOCUMENT:**

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**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**RULES, REGULATIONS AND POLICIES Note, Appendix C - Responsibility Matrix is included for quick reference. 1. Maintenance Responsibilities of the Association (Article VI, Section 6.01) All maintenance and repair of and replacements to the improvements on Association Property, the maintenance, repair and replacement of all paved areas on the Association Property, snow removal from all paved areas...**