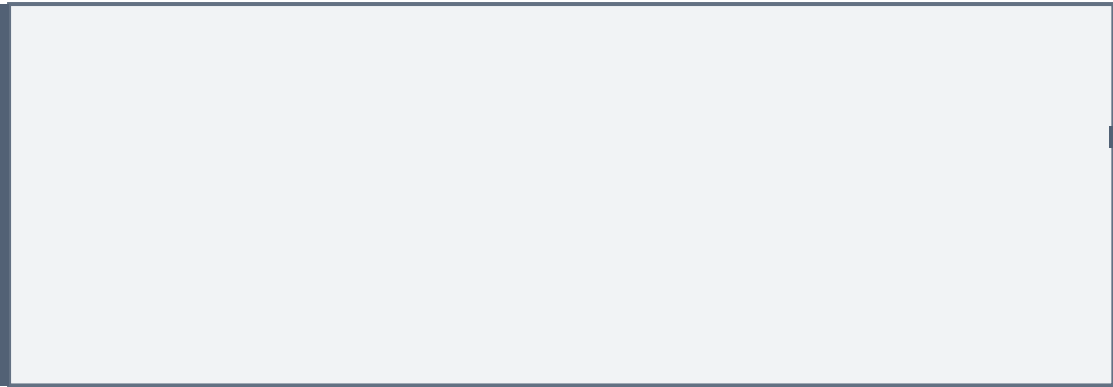


Section 1. - Sample Provision Excerpt (Public Preview)

to suspend the voting  
rights and right to use of the recreational facilities by an  
owner for any period during which an  
assessment remains unpaid;  
. for a period not to exceed 60 days for any infraction of

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 1. (p. 33): Voting rights suspension clause lacks New York statutory notice, hearing due process, or delinquency safeguards (N.Y. Real Prop. Law § 339-j).**

Statutory / Legal Reference: N.Y. Real Prop. Law § 339-j; N.Y. Not-for-Profit Corp. Law (N-PCL), Real Prop. Law Art. 9-B & 13 NYCRR Parts 18, 20, 21 & 22 (NY AG Real Estate Finance Bureau Offering Plan Regulations); N.Y. Bus. Corp. Law (BCL) §...  
Statutory Comparison: Under New York community association and nonprofit corporation statutes (N.Y. Real Prop. Law § 339-j; N.Y. Bus. Corp. Law (BCL) § 727, N-PCL § 621 & 13 NYCRR Part 18 (Cooperative Offering Plans)), member voting rights are a fundamental corporate governance right and may not be summarily suspended without strict compliance with statutory delinquency thresholds, prior written notice, and an...

**CURRENT WORDING IN DOCUMENT:**

to suspend the voting rights and right to use of the recreational facilities by an owner for any period during which an assessment remains unpaid; . for a period not to exceed 60 days for any infraction of

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

**Provided that any suspension of voting or membership privileges (to the extent permitted by New York law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with N.Y. Real Prop. Law § 339-j and N.Y. Bus. Corp. Law (BCL) § 727, N-PCL § 621 & 13 NYCRR Part 18 (Cooperative Offering Plans).**