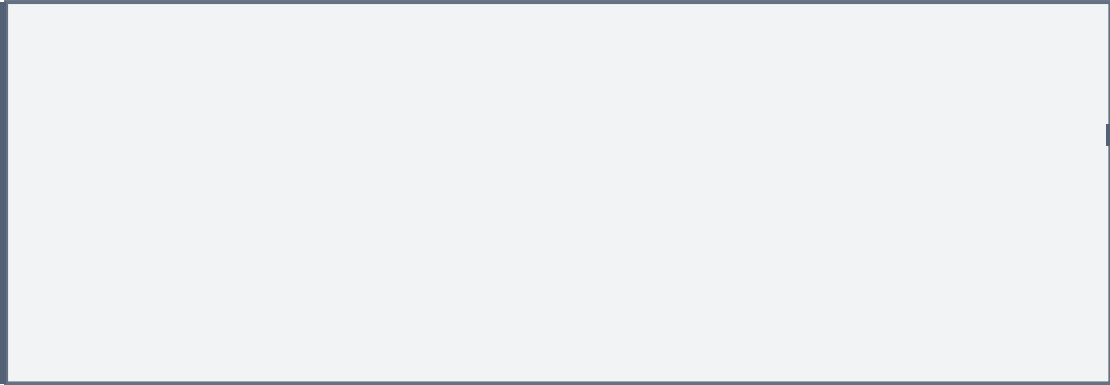




Section 8 - Sample Provision Excerpt (Public Preview)

Violations of any of the rules and regulations set forth above are subject to an immediate fine payable within 30 days of issuance of written notice of violation by the Board to the violating owner, lessee, or occupant ("Violator"). a.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8 (p. 3): 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:

Violations of any of the rules and regulations set forth above are subject to an immediate fine payable within 30 days of the issuance of written notice of violation by the Board to the violating owner, lessee, or occupant ("Violator"). a.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Violations of any of the rules and regulations set forth above are subject to an immediate fine payable within 30 days of the issuance of written notice of violation by the Board to the violating owner, lessee, or occupant ("Violator"). a. If payment of the fine becomes more than 30 days past due, a final letter or statement for payment will be sent to the Violator from the Association's Managing...