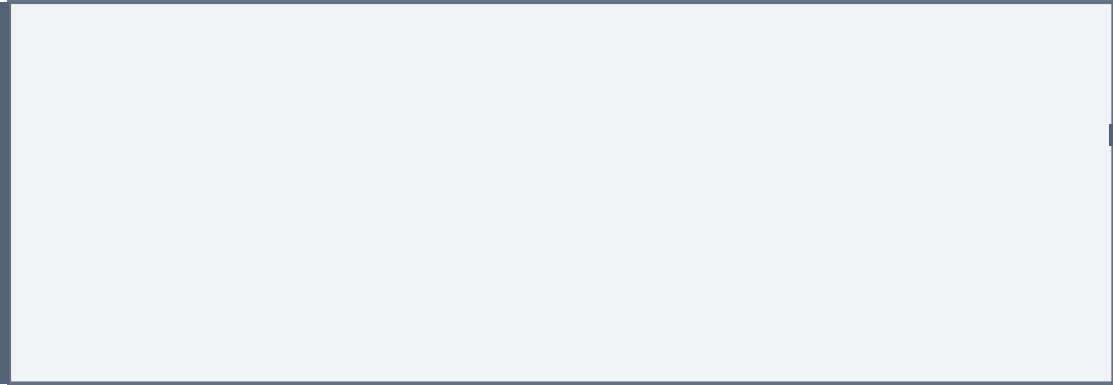


Section 5.12 - Sample Provision Excerpt (Public Preview)

Suspend the voting rights for a period not to exceed sixty (60) days, and right to use the recreational facilities of an Owner, after Written Notice and a hearing, for infractions of published rules or regulations, or during any period in which such Owner is in default in the payment of any assessment levied by the Association.

By-Laws

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.12 (p. 13): 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:
Suspend the voting rights for a period not to exceed sixty (60) days, and right to use the recreational facilities of an Owner, after Written Notice and a hearing, for infractions of published rules or regulations, or during any period in which such Owner is in default in the payment of any assessment levied by the Association. By-Laws

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).