

Section 5 - 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. 5 (p. 12): 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):

Landscaped Areas The Association also shall be responsible for snow plowing of driveways, excluding walks. Individual Lot owners are responsible for snow removal from roof, walks and entryways abutting their dwellings. The Association is solely responsible for the maintenance of the Common Area and the improvements within the area.