

Section 11 - Sample Provision Excerpt (Public Preview)

enclosed garage. Violators are subject to immediate fine and/or towing. (Exception: ambulance, fire, police vehicles, utility vehicles.) A commercial vehicle shall be considered any motor vehicle specifically used for commercial purposes, being so determined by its obvious "working load" chassis structure, toolboxes or accessories, advertising or size.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 11 (p. 8): 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. Real Prop. Law § 339-j

Statutory Comparison: Under N.Y. Real Prop. Law § 339-j, 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):

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