

Section MAINTENANCE - Sample Provision Excerpt (Public Preview)

accordingly, and assess a fine of up to \$500 per incident upon approval of the HFCA Board.
B. Hazards
The Covenants require that all properties shall be maintained at all times in such a manner as to prevent becoming unsightly, unsanitary, or a hazard to health.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. MAINTENANCE (p. 2): Clause authorizes fines exceeding North Carolina's statutory \$100 per violation / \$100 per day cap under N.C. Gen. Stat. § 47F-3-107.1.

Statutory / Legal Reference: N.C. Gen. Stat. § 47F-3-107.1

Statutory Comparison: Under N.C. Gen. Stat. § 47F-3-107.1, a lot or unit owner may not be fined or have planned community/condominium privileges or services suspended unless the owner is given notice of the charge, an opportunity to be heard and to present evidence, and notice of the decision before an adjudicatory panel appointed by the executive board (whose members must contain no officers, directors, or their...

CURRENT WORDING IN DOCUMENT:

accordingly, and assess a fine of up to \$500 per incident upon approval of the HFCA Board. B. Hazards The Covenants require that all properties shall be maintained at all times in such a manner as to prevent becoming unsightly, unsanitary, or a hazard to health.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to N.C. Gen. Stat. § 47F-3-107.1, no fine or suspension of community privileges or services shall be imposed until the owner has been given written notice of the alleged violation and an opportunity to be heard and present evidence before the Executive Board or an adjudicatory panel composed of members who are neither officers nor directors of the Association.