

Section 7.1 - Sample Provision Excerpt (Public Preview)

Powers. The Board of Directors shall have power to:
Adopt and publish rules and regulations governing use and maintenance of the Common Area related facilities; maintenance of landscaping and irrigation system including the fencing and monuments located within easements, the personal conduct of the Members and their guests on the Common Area and facilities;...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 7.1 (p. 4): Potential Issue for Review: Fining provisions omit the mandatory requirement that fines be based on a schedule of fines adopted by board resolution and delivered to each lot/unit prior to enforcement under ORS 94.630(1)(n) and ORS 100.405(4)(k) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: ORS 94.630(1)(n)

Statutory Comparison: Under ORS 94.630(1)(n) and ORS 100.405(4)(k), an association may levy reasonable fines only if the fine is based on a schedule of fines adopted by a resolution of the board that is delivered to each lot or unit, and only after giving the offender written notice and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

Powers. The Board of Directors shall have power to: Adopt and publish rules and regulations governing use and maintenance of the Common Area related facilities; maintenance of landscaping and irrigation system including the fencing and monuments located within easements, the personal conduct of the Members and their guests on the Common Area and facilities;...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to ORS 94.630(1)(n) and ORS 100.405(4)(k), no fine shall be imposed unless it is based on a schedule of fines adopted by resolution of the Board and delivered...