ISSUE #1

MARKUP #1 ->

Section 1: [General Rule 17] Warrantless Lot Entry and Automatic Assessment Lien Without Notice and Hearing

17. In the event that any Lot Owner shall refuse to keep his Lot free from weeds, underbrush, or refuse piles, or other unsightly growths or objects, the Executive Board, or its designee, may enter upon such Lot and remove the same at the expense of the Lot Owner, and such entry shall not be deemed a trespass. In the event of such a removal, a lien shall arise and be created in favor of the Association and against such Lot for the full amount chargeable to such Lot, and such amount shall be due and payable within thirty (30) days after demand is made therefore.

Section 2: [Pets Rule 7 & Rule 8] Unilateral Permanent Removal of Pets Upon Written Notice Without Hearing or Assist

7. The Association may require the permanent removal of any pet violating these rules upon written notice to the Lot Owner. 8. No farm animals and no animals of any type except for household pets such as dogs and cats shall be kept on the Lots.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE | BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Covenant authorizes unlawful self-help termination of essential residential utilities, warrantless self-help lot/unit entry or demolition, lockouts, or denial of ingress/egress.

Statutory / Legal Reference: 68 Pa.C.S. § 5302(a)(11) (UPCA) / § 3302(a)(11) (UCA) & Pennsylvania Self-Help Eviction Common Law

Statutory Comparison: Under Pennsylvania law (68 Pa.C.S. §§ 3302, 5302), an association may not impair an owner's right of ingress and egress to their unit or engage in non-judicial self-help eviction or utility termination without judicial process.

CURRENT WORDING IN DOCUMENT:

[General Rule 17] Warrantless Lot Entry and Automatic Assessment Lien Without Notice and Hearing 17. In the event that any Lot Owner shall refuse to keep his Lot free from weeds, underbrush, or refuse piles, or other unsightly growths or objects, the Executive Board, or its designee, may enter upon such Lot and remove the same at the expense of the Lot Owner, and such entry shall not be deemed a trespass.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Under no circumstances shall any suspension of privileges impair the right of an Owner or occupant to have vehicular and pedestrian ingress to and egress from their Lot or Unit, nor shall the Association disconnect essential residential utility services, execute non-judicial self-help entry/demolition, or conduct non-judicial lockouts, in accordance with 68 Pa.C.S. § 5302(a)(11) (UPCA) / § 3302(a)(11) (UCA) & Pennsylvania Self-Help Eviction Common Law.