Section 1: [Article III, Section 3.4] Voting by Sub-Condominium Representatives at Master Association Meetings

At all meetings of the Master Association, individual Unit Owners shall have no right to cast votes on Master Declaration amendments; instead, the Executive Board of each Sub-Condominium shall cast a single block vote on behalf of all Units within that Sub-Condominium, including Units as to which development rights have expired.

ISSUE #1

Section 2: [Article VII, Section 7.2] Fines and Enforcement Penalties

The Master Executive Board may impose a fine of up to $500.00 per day for any violation of the Master Rules and Regulations, effective immediately upon service of a citation by security personnel, and the Executive Board's determination shall be final and unappealable.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Fining clause authorizes summary fines without prior written notice and an Executive Board hearing, or exceeds the $100/day residential statutory fine cap under R.I. Gen. Laws § 34-36.1-3.20.

Statutory / Legal Reference: R.I. Gen. Laws §§ 34-36.1-3.02(a)(11), 34-36.1-3.20(a) - (b)

Statutory Comparison: Under R.I. Gen. Laws §§ 34-36.1-3.02(a)(11) and 34-36.1-3.20, the executive board may impose fines for violations of the declaration, bylaws, or rules only after providing notice and an opportunity to be heard, and any residential fine may not exceed $100 per day for each day the violation continues after the decision of the executive board.

CURRENT WORDING IN DOCUMENT:

[Article VII, Section 7.2] Fines and Enforcement Penalties The Master Executive Board may impose a fine of up to $500.00 per day for any violation of the Master Rules and Regulations, effective immediately upon service of a citation by security personnel, and the Executive Board's determination shall be final and unappealable.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to R.I. Gen. Laws §§ 34-36.1-3.02(a)(11) and 34-36.1-3.20, no fine shall be imposed against a Unit Owner until the Executive Board has provided prior written notice of the alleged violation and an opportunity for a hearing before the Executive Board, and residential fines shall not exceed one hundred dollars ($100.00) per day.