Section 15 - Sample Provision Excerpt (Public Preview)

During holiday period from 11/15-1/5, written notice to request compliance will be given with 5 days to correct violation. If not corrected in 5 days, a $200 fine will be assessed or a $500 fine for posing a safety hazard, for each month after written notice if condo owner is not in compliance .

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 15 (p. 1): Potential Issue for Review: Fining and suspension provisions omit mandatory prior written notice and an opportunity to be heard required by Tenn. Code Ann. § 66-27-402(a)(11) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tenn. Code Ann. § 48-56-302

Statutory Comparison: Under Tenn. Code Ann. § 66-27-402(a)(11), an association may levy reasonable fines or suspend member rights only after providing prior written notice and a fair opportunity for the owner to be heard before the sanction becomes effective. Note for review: also look for any subsequent recorded amendment or standalone Fining/Enforcement Policy not included in the uploaded documents that may already...

CURRENT WORDING IN DOCUMENT:

During holiday period from 11/15-1/5, written notice to request compliance will be given with 5 days to correct violation. If not corrected in 5 days, a $200 fine will be assessed or a $500 fine for posing a safety hazard, for each month after written notice if condo owner is not in compliance .

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: SECTION: NOTICE AND HEARING BEFORE FINES OR SUSPENSIONS (Tenn. Code Ann.