Section 1. - Sample Provision Excerpt (Public Preview)

b) The right of the Association to suspend the voting rights and the right of use of the Common Area and the recreational facilities by a Member for any period during which any assessment against their Lot remains unpaid, and for a period not to exceed ninety (90) days for any infraction of its published rules and regulations.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 1. (p. 3): Voting rights suspension clause lacks Virginia statutory notice, hearing due process, or delinquency safeguards (Va. Code §§ 55.1-1819, 55.1-1959 ($50 Single / $10 Per-Diem Cap & 14-Day Certified Notice) & 18 VAC 48-70).

Statutory / Legal Reference: Va. Code § 55.1-1819 ($50 Single / $10 Per-Diem Cap & 14-Day Certified Notice) & 18 VAC 48-70; Va. Code Ann. § 55.1-1800 to 55.1-1836 (Virginia Property Owners' Association Act) & 18 VAC 48-50 / 48-60 / 48-70...

Statutory Comparison: Under Virginia community association and nonprofit corporation statutes (Va. Code §§ 55.1-1819, 55.1-1959 ($50 Single / $10 Per-Diem Cap & 14-Day Certified Notice) & 18 VAC 48-70; Va. Code Ann. §§ 13.1-801 to 13.1-946 (Virginia Nonstock Corporation Act)), member voting rights are a fundamental corporate governance right and may not be summarily suspended without strict compliance with statutory...

CURRENT WORDING IN DOCUMENT:

b) The right of the Association to suspend the voting rights and the right of use of the Common Area and the recreational facilities by a Member for any period during which any assessment against their Lot remains unpaid, and for a period not to exceed ninety (90) days for any infraction of its published rules and regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that any suspension of voting or membership privileges (to the extent permitted by Virginia law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with Va. Code §§ 55.1-1819, 55.1-1959 ($50 Single / $10 Per-Diem Cap & 14-Day Certified Notice) & 18 VAC 48-70 and Va. Code Ann.