Section 4. - Sample Provision Excerpt (Public Preview)

Additional Remedies. The Board of Directors may suspend the voting rights of any Member for any period during which any assessment against his Lot remains unpaid.

ISSUE #1

MARKUP #1 ->

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

Sec. 4. (p. 4): 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:
Additional Remedies. The Board of Directors may suspend the voting rights of any Member for any period during which any assessment against his Lot remains unpaid.

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.