Section 3 - Sample Provision Excerpt (Public Preview)

ular mail) to the Respondent within 7 days of the hearing. The Board of Directors of the Association shall have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (1)

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3 (p. 1): Clause authorizes violation charges/fines exceeding Virginia's strict statutory caps of $50.00 for a single offense or $10.00 per day (up to 90 days maximum) for a continuing offense under Va. Code Ann. § 55.1-1819.

Statutory / Legal Reference: Va. Code Ann. § 55.1-1819

Statutory Comparison: Under Va. Code Ann. § 55.1-1819, the board of directors has no power to assess charges (fines) or suspend privileges for rule violations unless expressly provided in the declaration. Before any charge or suspension may be imposed, the owner must be given a reasonable opportunity to correct the alleged violation after written notice, followed by a hearing before the board or other tribunal...

CURRENT WORDING IN DOCUMENT:

ular mail) to the Respondent within 7 days of the hearing. The Board of Directors of the Association shall have the power, to the extent the declaration or rules and regulations duly adopted pursuant thereto expressly so provide, to (1)

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Va. Code Ann. § 55.1-1819, only to the extent expressly authorized in the recorded Declaration, the Board may assess violation charges or suspend privileges after providing the Owner written notice and a reasonable opportunity to cure the violation.