

ISSUE #1

Section 1: [Article IX, Section 2] Immediate Fining and Gate Card Deactivation for Rule Violations

Any Member or guest observed violating Clearwood traffic, lake, or property rules may be issued an immediate fine citation by Clearwood Security or Management, and the Member's electronic gate access card and amenity privileges may be deactivated until the fine is paid in full.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Fining provision authorizes immediate or unscheduled fines without prior notice, an opportunity to be heard, or a previously adopted and distributed schedule of fines.

Statutory / Legal Reference: RCW 64.90.405(2)(k) & RCW 64.38.020(11)

Statutory Comparison: Under RCW 64.90.405(2)(k) (WUCIOA) and RCW 64.38.020(11) (WA HOA Act), an association may levy reasonable fines only in accordance with a previously established schedule adopted by the board of directors and furnished to the owners, and only after giving the owner notice and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

[Article IX, Section 2] Immediate Fining and Gate Card Deactivation for Rule Violations Any Member or guest observed violating Clearwood traffic, lake, or property rules may be issued an immediate fine citation by Clearwood Security or Management, and the Member's electronic gate access card and amenity privileges may be deactivated until the fine is paid in full.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to RCW 64.90.405(2)(k) and RCW 64.38.020(11), the Association shall not impose any fine or monetary penalty unless: (a) the fine is levied in accordance with a reasonable schedule of fines previously adopted by the Board and furnished to all owners; and (b) the owner has been provided prior written notice of the alleged violation and a fair opportunity to be heard before the Board or its designated tribunal.