



Section 1: [Article VI, Section 1] Adoption and Enforcement of Rules Without Prior Owner Notice

The Board of Directors may adopt, amend, or repeal any rule or architectural regulation governing the use and appearance of Lots at any regular or special Board meeting, and such rule shall become immediately binding and enforceable against all Owners upon adoption without prior notice to the membership.

Section 2: [Article VII, Section 3] Adoption of Annual Budget and Assessments

The Board of Directors shall have sole authority to adopt the annual budget and fix the annual assessment rate in closed financial committee session, and no summary of the proposed budget need be distributed to Owners prior to its effective date.

ISSUE #1

Section 3: [Article III, Section 8] Suspension of Voting Rights Without Notice or Hearing

Any Owner whose assessment account is more than fifteen (15) days past due or who is alleged to be in violation of any restriction shall have their voting rights and right to inspect Association records immediately and automatically suspended without prior notice or hearing.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article III, Section 8 (p. 1): Fining provision permits the imposition of fines without advance notice and an opportunity to be heard in violation of K.S.A. § 58-4608(a)(1).

Statutory / Legal Reference: K.S.A. § 58-4608(a)(1) (Kansas UCIOBRA)

Statutory Comparison: Under K.S.A. § 58-4608(a)(1) of the Kansas Uniform Common Interest Owners Bill of Rights Act, the board of directors may impose a reasonable charge for late payment of assessments or, after notice and an opportunity to be heard, impose reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association. Summary or unilateral fines without a hearing opportunity are void.

CURRENT WORDING IN DOCUMENT:

[Article III, Section 8] Suspension of Voting Rights Without Notice or Hearing - Any Owner whose assessment account is more than fifteen (15) days past due or who is alleged to be in violation of any restriction shall have their voting rights and right to inspect Association records immediately and automatically suspended without prior notice or hearing.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to K.S.A. § 58-4608(a)(1), no fine shall be imposed against a Unit Owner for an alleged violation of the Declaration, Bylaws, or Rules unless the Board first provides the Unit Owner with written notice of the alleged violation and a reasonable opportunity to be heard before the Board.