

ISSUE #1

Section 1: [Article VI, Section 6.3] Reallocation of Common Expense Liability and Lot Footprint Expansion

MARKUP #1 ->

The Executive Board may by majority resolution permit individual Unit Owners to expand the footprint of their coastal cottages onto adjacent Limited Common Elements without reallocating the common expense liability or percentage ownership interest of the expanded Unit, or may adjust common assessments by Board resolution alone.



True
HOA

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article VI, Section 6.3 (p. 1): Alteration of Unit Boundaries and Common Expense Allocations Without Recorded Amendment and Statutory Consent

Statutory / Legal Reference: R.I. Gen. Laws § 34-36.1-2.07, § 34-36.1-2.08 & § 34-36.1-2.17(d)

Statutory Comparison: Under the Rhode Island Condominium Act, R.I. Gen. Laws §§ 34-36.1-2.07, 34-36.1-2.08, and 34-36.1-2.17(d), any reallocation of limited common elements, expansion of unit boundaries into common elements, or change in allocated common expense liabilities requires a recorded amendment to the declaration and plats/plans approved by unanimous consent of affected unit owners, not an unrecorded board resolution.

CURRENT WORDING IN DOCUMENT:

[Article VI, Section 6.3] Reallocation of Common Expense Liability and Lot Footprint Expansion - The Executive Board may by majority resolution permit individual Unit Owners to expand the footprint of their coastal cottages onto adjacent Limited Common Elements without reallocating the common expense liability or percentage ownership interest of the expanded Unit, or may adjust common assessments by Board resolution alone.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article VI, Section 6.3 ([Article VI, Section 6.3] Reallocation of Common Expense Liability and Lot Footprint Expansion - The Executive Board may by majority resolution permit individual Unit Owners to expand the footprint of their coastal cottages onto adjacent Limited Common Elements without reallocating the common expense liability or percentage ownership interest of the expanded Unit, or may adjust common assessments by Board resolution alone.) to conform with R.I. Gen. Laws § 34-36.1-2.07, § 34-36.1-2.08 & § 34-36.1-2.17(d) and the manual attorney audit recommendations for Breakwater Village Condominium Association.