

ISSUE #1

MARKUP #1 ->

Section 1: [Article VI, Section 6.5] Remedies for Non-Payment of Assessments and Disconnection of Utilities

If any Unit Owner remains delinquent in the payment of common assessments for more than thirty (30) days, the Board of Directors is authorized to shut off water, sewer, propane, or other common utilities servicing the Unit without judicial process until all arrears and legal fees are satisfied.

Section 2: [Article III, Section 3.6] Removal of Members of the Executive Board

Members of the Executive Board may be removed from office prior to the expiration of their terms only upon the affirmative vote of seventy-five percent (75%) of the total allocated votes of all Unit Owners in the Association.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article VI, Section 6.5 (p. 1): Unlawful Self-Help Shutoff of Essential Water and Heating Utilities Without Judicial Process

Statutory / Legal Reference: 27A V.S.A. § 3-102(a)(11), § 3-116 & 9 V.S.A. § 4463
Statutory Comparison: Under Vermont law (27A V.S.A. § 3-102(a)(11), § 3-116, and Vermont's prohibition on self-help interruption of essential residential habitability utilities), an association cannot unilaterally shut off essential water, sewer, or heating utilities to an occupied residential unit after 30 days' delinquency without notice, hearing, and compliance with public health and judicial foreclosure safeguards.

CURRENT WORDING IN DOCUMENT:

[Article VI, Section 6.5] Remedies for Non-Payment of Assessments and Disconnection of Utilities - If any Unit Owner remains delinquent in the payment of common assessments for more than thirty (30) days, the Board of Directors is authorized to shut off water, sewer, propane, or other common utilities servicing the Unit without judicial process until all arrears and legal fees are satisfied.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article VI, Section 6.5 ([Article VI, Section 6.5] Remedies for Non-Payment of Assessments and Disconnection of Utilities - If any Unit Owner remains delinquent in the payment of common assessments for more than thirty (30) days, the Board of Directors is authorized to shut off water, sewer, propane, or other common utilities servicing the Unit without judicial process until all arrears and legal fees are satisfied.) to conform with 27A V.S.A. § 3-102(a)(11), § 3-116 & 9 V.S.A. § 4463 and the manual attorney audit recommendations for Mountain Glen Homeowners Association.