

L&J Covenant Enforcement Comparison

	GCA	POAA
<p>Utility Suspension: <i>Examples: Water, Electricity, Gas</i></p>	<ul style="list-style-type: none"> GCA allows for suspension of utilities within a judgement of \$750+ Declaration must allow it Notice as required by utility provider 	<ul style="list-style-type: none"> Not addressed in POAA No judgement needed Declaration must allow it No statutory notice requirement, declaration notice controls Check enforcement provisions for hearing requirement
<p>Suspension of Services: <i>Examples: Cable, Internet, Concierge</i></p>	<ul style="list-style-type: none"> GCA allows for suspension of services Declaration also must allow it No judgement required under GCA, but declaration may provide differently Notice as required by declaration/bylaws 	<ul style="list-style-type: none"> Not addressed in POAA No judgement needed Declaration must allow it No statutory notice requirement, declaration notice controls Check enforcement provisions for hearing requirement
<p>Suspension of Amenities: <i>Note: Elevator access is not an amenity and should not be suspended.</i></p>	<ul style="list-style-type: none"> GCA allows for suspension of common element amenities Declaration also must allow it No judgement required under GCA, but declaration may provide differently Notice as required by declaration/bylaws 	<ul style="list-style-type: none"> Not addressed in POAA No judgement needed Declaration must allow it No statutory notice requirement, declaration notice controls Check enforcement provisions for hearing requirement
<p>Suspension of Parking for Delinquency or Violation:</p>	<ul style="list-style-type: none"> GCA allows for suspension of common element parking. Declaration also must allow it No judgement required under GCA, but declaration may provide differently Notice as required by declaration/bylaws 	<ul style="list-style-type: none"> POAA allows for suspension of common property Declaration also must allow it Notice as required in declaration/bylaws
<p>Towing to Enforce Suspension of Parking:</p>	<ul style="list-style-type: none"> Not addressed in GCA Check governing documents to see if towing/booting allowed for delinquency and/or violations. If so, follow notice provision as contained in declaration/bylaws If towing/booting not allowed for delinquency and/or violations, check for board resolution. If no towing resolution, check to see if declaration/bylaws contain self-help. 	<ul style="list-style-type: none"> Not addressed in POAA Check governing documents to see if towing/booting allowed for delinquency and/or violations. If so, follow notice provision as contained in declaration/bylaws If towing/booting not allowed for delinquency and/or violations, check for board resolution. If no towing resolution, check to see if declaration/bylaws contain self-help.
<p>Suspension of Voting:</p>	<ul style="list-style-type: none"> GCA allows for suspension of voting Declaration also must allow it. Check declaration and bylaws to see if suspension automatic or if notice required. 	<ul style="list-style-type: none"> POAA allows for suspension of voting. Declaration also must allow it. Check declaration and bylaws to see if suspension automatic or if notice required.
<p>Rent Assignment:</p>	<ul style="list-style-type: none"> Not addressed in GCA Must be in governing documents If so, follow document procedures 	<ul style="list-style-type: none"> Not addressed in POAA Must be in governing documents If so, follow document procedures