Section c - Sample Provision Excerpt (Public Preview)

Covenant Enforcement, Fining and Hearing Policy to establish orderly procedures for the enforcement of the covenants, restrictions and rules set forth in, including but not limited to, the Declaration, the Bylaws, any rules and regulations or policies of the Association, any architectural standards bulletins, any guidelines adopted by the Association, or...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. c (p. 1): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Tex. Prop. Code § 209.006, 209.0061, 82.102(d) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, 209.0061, 82.102(d)

Statutory Comparison: Under the Texas Uniform Condominium Act, Tex. Prop. Code § 82.102(d) requires that before a condominium board levies a fine or damage charge, the board must give the unit owner written notice describing the violation or damage, stating the amount of the proposed fine or charge, and advising that not later than the 30th day after the date of the notice the unit owner may request a hearing before...

CURRENT WORDING IN DOCUMENT:

Covenant Enforcement, Fining and Hearing Policy to establish orderly procedures for the enforcement of the covenants, restrictions and rules set forth in, including but not limited to, the Declaration, the Bylaws, any rules and regulations or policies of the Association, any architectural standards bulletins, any guidelines adopted by the Association, or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Pursuant to Tex. Prop. Code § 82.102(d), before imposing a fine or damage charge, the Board shall provide written notice to the Unit Owner describing the violation, granting a reasonable time to cure, and...