

Section 10.5 - Sample Provision Excerpt (Public Preview)

without prior notice to the Members under this Section, consider or vote on (1) fines;
(2) damage assessments; (3) initiation of foreclosure actions; (4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or Bylaws: Bricewood Helotes Homeowners Association, Inc.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 10.5 (p. 12): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
without prior notice to the Members under this Section, consider or vote on (1) fines;
(2) damage assessments; (3) initiation of foreclosure actions; (4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or Bylaws: Bricewood Helotes Homeowners Association, Inc.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
without prior notice to the Members under this Section, consider or vote on (1) fines;
(2) damage assessments; (3) initiation of foreclosure actions; (4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or Bylaws: Bricewood Helotes Homeowners Association, Inc.
[SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner...