Section Clause #1 - Sample Provision Excerpt (Public Preview)

Fax Server
8/19/2010 4:49:36 PM PAGE
2/009
Fax Server
-
3301/16

ISSUE #1

r the
sacretary of Siale of Texas
ARTICISS OF INCORPORATION
JUN 29 198
CANYON OAKS PROPERTY OYNERS ASSOCIATION
Ctarh 18
Corporations Section
I, the undezsigned natural person of the age of elghtoen
YBars or moto, aotlng as Incorporatos of a corporation undes
the Jezas Non-Profit...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

Fax Server 8/19/2010 4:49:36 PM PAGE 2/009 Fax Server - 3301/16 lin the orite or the sacretary of Siale of Texas ARTICISS OF INCORPORATION JUN 29 1988 CANYON OAKS PROPERTY OYNERS ASSOCIATION Ctarh 18 Corporations Section I, the undezsigned natural person of the age of elghtoen YBars or moto, aotlng as Incorporatos of a corporation undes the Jezas Non-Profit...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...