

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

ELECTRONICALLY RECORDED
TRV
PGS
CARRIAGE HIS ASSOCATION, IOE
After Recording Return To:
Sipra S. Boyd

ISSUE #1 Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57" Floor
Houston, Texas 77056
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This First Amendment to the Bylaws may be used only in connection with the...

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:

ELECTRONICALLY RECORDED TRV PGS CARRIAGE HIS ASSOCATION, IOE After Recording Return To: Sipra S. Boyd Roberts Markel Weinberg Butler Hailey PC 2800 Post Oak Blvd., 57" Floor Houston, Texas 77056 Copyright 2014 by Roberts Markel Weinberg Butler Hailey PC, all rights reserved. This First Amendment to the Bylaws may be used only in connection with the...

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...