Section 1 - Sample Provision Excerpt (Public Preview)

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BY-LAWS OF
CEDRON CREEK RANCH ASSN.
PREAMBLE
The purpose of the Cedron Creek Ranch Association is to oversee and maintain the covenants and restrictions as listed in the Declarations of Covenants,conditions, casements and restrictions. In addition,the Association shall at all times seek to maintain the continuity of the community within the...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 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:

.- * BY-LAWS OF CEDRON CREEK RANCH ASSN. PREAMBLE The purpose of the Cedron Creek Ranch Association is to oversee and maintain the covenants and restrictions as listed in the Declarations of Covenants,conditions, casements and restrictions. In addition,the Association shall at all times seek to maintain the continuity of the community within 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...