

Section ARTICLE FIVE - Sample Provision Excerpt (Public Preview)

(B) To suspend voting rights, the right to the use of the Common Areas, impose fines and otherwise enforce the provisions of the Declaration, and seek damages and/or equitable relief or other

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. ARTICLE FIVE (p. 4): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule).

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.005 & 1 TAC § 70.3 (Open Records Cost Schedule)

Statutory Comparison: Under Texas Property Code § 209.0059(a), a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

CURRENT WORDING IN DOCUMENT:

(B) To suspend voting rights, the right to the use of the Common Areas, impose fines and otherwise enforce the provisions of the Declaration, and seek damages and/or equitable relief or other

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

(B) To suspend voting rights, the right to the use of the Common Areas, impose fines and otherwise enforce the provisions of the Declaration, and seek damages and/or equitable relief or other [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.