

Section 1: [Deed Restrictions Article IV, Section 4.7] Reporting of Delinquencies to Credit Bureaus During Dispute

The Association or its management company may immediately report any unpaid assessment, fine, or architectural charge to national credit reporting agencies (Equifax, Experian, TransUnion) as soon as the charge is thirty (30) days past due, regardless of whether the Owner has requested a hearing or disputed the charge, and may bill the Owner a \$50.00 credit reporting administrative fee.

MARKUP #1 ->

ISSUE #1

Section 2: [Deed Restrictions Article VIII, Section 8.12] Minimum Lease Term Enforced by Board Resolution

While the Declaration permits residential leasing, the Board of Directors may by unilateral Board resolution establish a minimum lease term of twelve (12) months and cap the total number of leased homes in Colony Lakes at fifteen percent (15%).

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Leasing, Retroactive Rental Cap, ADU Prohibition, or Tenant Screening Overreach: Clause imposes retroactive rental caps on non-consenting owners, bans statutory ADUs/JADUs, compels prohibited tenant screening disclosures, or authorizes summary eviction exceeding TX statutory authority.

Statutory / Legal Reference: Tex. Prop. Code §§ 209.016, 209.0041

Statutory Comparison: Under Tex. Prop. Code §§ 209.016, 209.0041, an association may not enforce newly adopted rental caps retroactively against existing non-consenting owners where protected by statute, prohibit statutory Accessory Dwelling Units (ADUs/JADUs), compel prohibited tenant credit/criminal reports, or execute non-judicial summary evictions without statutory authority.

CURRENT WORDING IN DOCUMENT:

[Deed Restrictions Article VIII, Section 8.12] Minimum Lease Term Enforced by Board Resolution While the Declaration permits residential leasing, the Board of Directors may by unilateral Board resolution establish a minimum lease term of twelve (12) months and cap the total number of leased homes in Colony Lakes at fifteen percent (15%).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to grandfather existing non-consenting Owners as required by Tex. Prop. Code §§ 209.016, 209.0041, exempt statutory ADUs/JADUs, and conform tenant registration and lease enforcement to Tex. Prop. Code §§ 209.016, 209.0041.