

Section 9.4.3 - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights of any Member and to suspend the right of any individual to use any of the Common Properties and/or common facilities for any period during which any assessment is not paid or owed by such individual remains unpaid, and for any period not to exceed sixty (60) days for an infraction...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 9.4.3 (p. 27): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592
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:

The right of the Association to suspend the voting rights of any Member and to suspend the right of any individual to use any of the Common Properties and/or common facilities for any period during which any assessment is not paid or owed by such individual remains unpaid, and for any period not to exceed sixty (60) days for an infraction...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The right of the Association to suspend the voting rights of any Member and to suspend the right of any individual to use any of the Common Properties and/or common facilities for any period during which any assessment is not paid or owed by such individual remains unpaid, and for any period not to exceed sixty (60) days for an infraction of the rules and regulations of the...