Section General - Sample Provision Excerpt (Public Preview)

Regulations. No transient tenants may be accommodated on a Unit. An Owner may not offer his or her Unit for lease for less than a one (1) year term, nor may an Owner list his or her Unit for lease on short-term rental websites such as www.

MARKUP #1 ->

ISSUE #1

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. General (p. 2): Leasing clause requires Board approval of tenants, demands tenant credit/application records, or requires unredacted lease copies in violation of Tex. Prop. Code § 209.016 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 209.016 (SB 1588)

Statutory Comparison: Under Tex. Prop. Code § 209.016 (as amended by SB 1588), a property owners' association may not adopt or enforce a provision that requires a lease or rental applicant or a tenant to be submitted to and approved for tenancy by the association, nor demand a consumer/credit report or rental application. The association may only request the contact information (name, mailing address, phone number, email) of each person who will reside at the property and the commencement date and term of the lease; if a copy of the lease is requested, any sensitive personal information may be redacted.

CURRENT WORDING IN DOCUMENT:

Regulations. No transient tenants may be accommodated on a Unit. An Owner may not offer his or her Unit for lease for less than a one (1) year term, nor may an Owner list his or her Unit for lease on short-term rental websites such as www.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Regulations. No transient tenants may be accommodated on a Unit. An Owner may not offer his or her Unit for lease for less than a one (1) year term, nor may an Owner list his or her Unit for lease on short-term rental websites such as www. [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: In compliance with Tex. Prop. Code § 209.016 (SB 1588), the Association shall not require Board approval of any lease or tenant, nor require submission of a credit report, background check, or rental application.