



Section VII. - Sample Provision Excerpt (Public Preview)

Suspend the voting rights and right to use the Common Facilities of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. VII. (p. 12): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 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:

Suspend the voting rights and right to use the Common Facilities of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Suspend the voting rights and right to use the Common Facilities of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association. [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.