



Section 1 - Sample Provision Excerpt (Public Preview)

(b) suspend the voting rights, the right to use the Association's facilities and the provision of services by the Association to a Member during any period in which such Member shall be delinquent in the payment of any assessment levied by the Association in excess of 30 days.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

**Sec. 1 (p. 6): 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:**

(b) suspend the voting rights, the right to use the Association's facilities and the provision of services by the Association to a Member during any period in which such Member shall be delinquent in the payment of any assessment levied by the Association in excess of 30 days.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**(b) suspend the voting rights, the right to use the Association's facilities and the provision of services by the Association to a Member during any period in which such Member shall be delinquent in the payment of any assessment levied by the Association in excess of 30 days. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.**