Section 5.14.1 - Sample Provision Excerpt (Public Preview)

Occupant's guests, agents or invitees pursuant to the Fine and Enforcement Policy contained in the Community Manual
fine and/ or charge for damage levied in accordance with this
Section 5.14 will be considered an Individual Assessment pursuant to this Covenant.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING
BOARD & COUNSEL REVIEW

Sec. 5.14.1 (p. 44): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

CURRENT WORDING IN DOCUMENT:
Occupant's guests, agents or invitees pursuant to the Fine and Enforcement Policy contained in the Community Manual. Any fine and/ or charge for damage levied in accordance with this Section 5.14 will be considered an Individual Assessment pursuant to this Covenant.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Occupant's guests, agents or invitees pursuant to the Fine and Enforcement Policy contained in the Community Manual. Any fine and/ or charge for damage levied in accordance with this
Section 5.14 will be considered an Individual Assessment pursuant to this Covenant.