Section 5.11. - Sample Provision Excerpt (Public Preview)

pursuant to Section 5.9 above, consider or vote on: (a) fines; (b) damage Assessments; (c) the initiation of foreclosure actions; (d) the initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety; (e) increases in Assessments; (f) levying of Special

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.11. (p. 20): 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:

pursuant to Section 5.9 above, consider or vote on: (a) fines; (b) damage Assessments; (c) the initiation of foreclosure actions; (d) the initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety; (e) increases in Assessments; (f) levying of Special

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

pursuant to Section 5.9 above, consider or vote on: (a) fines; (b) damage Assessments; (c) the initiation of foreclosure actions; (d) the initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety; (e) increases in Assessments; (f) levying of Special [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Before the...