Section 209.0094 - Sample Provision Excerpt (Public Preview)

may assess fines against Owners for violations of the Covenants or the Design Guidelines;..." WHEREAS, Pursuant to Article 6, Section 6.1 of the Declaration of the Association, "Each Owner of a Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association all such Assessments as are levied pursuant to the terms of this Declaration.

ISSUE #1

MARKUP #1 ->

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

Sec. 209.0094 (p. 5): 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 after the notice was mailed.

CURRENT WORDING IN DOCUMENT:

may assess fines against Owners for violations of the Covenants or the Design Guidelines;..." WHEREAS, Pursuant to Article 6, Section 6.1 of the Declaration of the Association, "Each Owner of a Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association all such Assessments as are levied pursuant to the terms of this Declaration.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

may assess fines against Owners for violations of the Covenants or the Design Guidelines;..." WHEREAS, Pursuant to Article 6, Section 6.1 of the Declaration of the Association, "Each Owner of a Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association all such Assessments as are levied pursuant to the terms of this Declaration.