

Section BEVERLY BATES - Sample Provision Excerpt (Public Preview)

following pages) may result in the levying of violation fines, towing and/or storage of the violating vehicle without notice at the risk and expense of the vehicle owner or operator, pursuant to Chapter 2308 of the Texas Occupations Code; and WHEREAS, nothing within this Parking and Towing Policy ("Policy") shall be deemed to negate or change any provision within the Declaration pertaining to prohibited vehicles.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. BEVERLY BATES (p. 4): 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:
following pages) may result in the levying of violation fines, towing and/or storage of the violating vehicle without notice and at the risk and expense of the vehicle owner or operator, pursuant to Chapter 2308 of the Texas Occupations Code; and WHEREAS, nothing within this Parking and Towing Policy ("Policy") shall be deemed to negate or change any provision within the Declaration pertaining to prohibited vehicles.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
following pages) may result in the levying of violation fines, towing and/or storage of the violating vehicle without notice and at the risk and expense of the vehicle owner or operator, pursuant to Chapter 2308 of the Texas Occupations Code; and WHEREAS, nothing within this Parking and Towing Policy ("Policy") shall be deemed to negate or change any provision within the Declaration pertaining to prohibited vehicles.