



Section 4.05. - Sample Provision Excerpt (Public Preview)

Suspension of Voting Rights. The voting rights of any Member shall be suspended during any period in which such member is delinquent in the payment of any assessment or charge levied by the Association. The voting rights of any Member may also be suspended by the Board for a period not to exceed sixty (60) days for an infraction of the rules and regulations...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 4.05. (p. 7): 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:

Suspension of Voting Rights. The voting rights of any Member shall be suspended during any period in which such member is delinquent in the payment of any assessment or charge levied by the Association. The voting rights of any Member may also be suspended by the Board for a period not to exceed sixty (60) days for an infraction of the rules and regulations...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Suspension of Voting Rights. The voting rights of any Member shall be suspended during any period in which such member is delinquent in the payment of any assessment or charge levied by the Association. The voting rights of any Member may also be suspended by the Board for a period not to exceed sixty (60) days for an infraction of the rules and regulations set forth in the Declaration.