



Section 6.1 - Sample Provision Excerpt (Public Preview)

Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of a assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 6.1 (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:

Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.