Section 7. - Sample Provision Excerpt (Public Preview)

Members having ownership interests in the Unit. All Members shall have the right to vote in the election of Directors and on any matter concerning the rights or responsibilities of Members, unless a Member's voting rights have been suspended due to the failure to pay assessments. Members may vote in person, by proxy or by any method authorized by the Board,...

ISSUE #1

MARKUP #1 ->

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

Sec. 7. (p. 10): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: (Texas Uniform Condominium Act)

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:

Members having ownership interests in the Unit. All Members shall have the right to vote in the election of Directors and on any matter concerning the rights or responsibilities of Members, unless a Member's voting rights have been suspended due to the failure to pay assessments. Members may vote in person, by proxy or by any method authorized by the Board,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.