Section L - Sample Provision Excerpt (Public Preview)

This Restated Fine Policy is adopted pursuant to the powers granted to the Association by the Governing Documents enabling the Association to adopt policies, such as a fine policy and a suspension of Documents, including that Fine Policy recorded in Volume 1146, Page 348 et seq.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. L (p. 1): 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...

CURRENT WORDING IN DOCUMENT:

This Restated Fine Policy is adopted pursuant to the powers granted to the Association by the Governing Documents enabling the Association to adopt policies, such as a fine policy and a suspension of Documents, including that Fine Policy recorded in Volume 1146, Page 348 et seq.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

This Restated Fine Policy is adopted pursuant to the powers granted to the Association by the Governing Documents enabling the Association to adopt policies, such as a fine policy and a suspension of Documents, including that Fine Policy recorded in Volume 1146, Page 348 et seq.