

Section 2.2 - Sample Provision Excerpt (Public Preview)

the Association has Class B members which control the vote of the Association, provision hereof, or of the Articles of Incorporation or Bylaws of the Association, that is directly governed or regulated by the FHA OI VA, then such amendment shall be subject to the approval of the Department of Housing and Uban Development ("HUD"), unless such amendment .

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.2 (p. 5): Declaration amendment provision requires 75% approval, which is overridden and capped at 67% of total allocated votes by Tex. Prop. Code § 209.0041(h-1).

Statutory / Legal Reference: Tex. Prop. Code § 209.0041(h)-(h-1)

Statutory Comparison: Under Tex. Prop. Code § 209.0041(h) and (h-1), a residential subdivision declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association; if the declaration contains a lower percentage, that lower percentage controls, and if the declaration specifies a percentage higher than 67%, the statutory 67% ceiling overrides the...

CURRENT WORDING IN DOCUMENT:

the Association has Class B members which control the vote of the Association, provision hereof, or of the Articles of Incorporation or Bylaws of the Association, that is directly governed or regulated by the FHA OI VA, then such amendment shall be subject to the approval of the Department of Housing and Uban Development ("HUD"), unless such amendment...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0041(h)-(h-1), this Declaration may be amended by the affirmative vote of Owners holding at least sixty-seven percent (67%) of the total votes allocated in the Association, following at least ten (10) to twenty (20) days' written notice of the meeting at which the amendment will be considered.