

Section 6.3.1 - Sample Provision Excerpt (Public Preview)

effects of the violation. The Board may establish a schedule of fines for certain types of violations. The amount and cumulative total of a fine must be reasonable in comparison to the violation notwithstanding; no fine shall exceed \$500.00 per occurrence. Recurring violations within a six (6) month period will be subject to immediate fine upon written notification to the Owner. Bylaws of Malibu Estates Homeowners Association, Inc.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6.3.1 (p. 12): 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 after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
effects of the violation. The Board may establish a schedule of fines for certain types of violations. The amount and cumulative total of a fine must be reasonable in comparison to the violation notwithstanding; no fine shall exceed \$500.00 per occurrence. Recurring violations within a six (6) month period will be subject to immediate fine upon written notification to the Owner. Bylaws of Malibu Estates Homeowners Association, Inc.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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