Section (iv) - Sample Provision Excerpt (Public Preview)

provide an opportunity to cure and may impose an immediate fine; and
(vii) His/her right to assert and protect his/her rights as a member ofthe Armed Forces of the United States. The protected individual or family member shall send written notice ofthe active duty military service to the sender of the Notice of Violation immediately; and
(viii) The Notice...

ISSUE #1

MARKUP #1 ->

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

Sec. (iv) (p. 3): 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:

provide an opportunity to cure and may impose an immediate fine; and
(vii) His/her right to assert and protect his/her rights as a member ofthe Armed Forces of the United States. The protected individual or family member shall send written notice ofthe active duty military service to the sender of the Notice of Violation immediately; and (viii) The Notice...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006.