

Section Clause #1 - Sample Provision Excerpt (Public Preview)

RP-2018-74005
AMENDED AND RESTATED BYLAWS
ofthe
MEMORIAL BEND CIVIC ASSOCIATION, INC.
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ISSUE #1 and the operation of the Memorial Bend Civic Association, Inc.

RP-2018-74005
ARTICLE1.

MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

RP-2018-74005 AMENDED AND RESTATED BYLAWS ofthe MEMORIAL BEND CIVIC ASSOCIATION, INC. Copyright 2018 by Roberts Markel Weinberg Butler Hailey PC, all rights reserved. These Amended and Restated Bylaws may be used only in connection with the Memorial Bend subdivision and the operation of the Memorial Bend Civic Association, Inc. RP-2018-74005 ARTICLE1.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...