

Section 3 - Sample Provision Excerpt (Public Preview)

c. The proposed sanction to be imposed, including the amount of any fine or the amount claimed to be due from the ownerfor property damage. d. Ifthe Violation is corrected or eliminated within a reasonable time after the Owner's receipt ofthe Notice of Violation that a fine will notbe assessed, common area privileges will not be suspended and that no further action will be taken.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3 (p. 2): 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:

c. The proposed sanction to be imposed, including the amount of any fine or the amount claimed to be due from the ownerfor property damage. d. Ifthe Violation is corrected or eliminated within a reasonable time after the Owner's receipt ofthe Notice of Violation that a fine will notbe assessed, common area privileges will not be suspended and that no further action will be taken.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

c. The proposed sanction to be imposed, including the amount of any fine or the amount claimed to be due from the ownerfor property damage. d. Ifthe Violation is corrected or eliminated within a reasonable time after the Owner's receipt ofthe Notice of Violation that a fine will notbe assessed, common area privileges will not be suspended and that no further action will be taken.