

Section 209.001(d) - Sample Provision Excerpt (Public Preview)

procedures by which the Board may assess fines against Owners for violations of the Covenants or the Design Guidelines;
(10) to establish and collect reasonable fees for the use of any Common Amenities within or on the Common Area; and
(11) to establish and collect a reasonable fee for copying and furnishing copies of the Association's governing documents...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 209.001(d) (p. 21): 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:
procedures by which the Board may assess fines against Owners for violations of the Covenants or the Design Guidelines;
(10) to establish and collect reasonable fees for the use of any Common Amenities within or on the Common Area; and
(11) to establish and collect a reasonable fee for copying and furnishing copies of the Association's governing documents...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
procedures by which the Board may assess fines against Owners for violations of the Covenants or the Design Guidelines;
(10) to establish and collect reasonable fees for the use of any Common Amenities within or on the Common Area; and
(11) to establish and collect a reasonable fee for copying and furnishing copies of the Association's governing documents and furnishing a Resale Certificate...