



Section m - Sample Provision Excerpt (Public Preview)

ay include provisions
to govern and control the use
such Common Area and Common Facilities by
guests or invitees
Members, including, without limitation,
the number

ISSUE #1

Area and Common
Facilities or any part thereof at the same time;
(b) The right of the Associationto
suspend the
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to use of the
recreational or other facilities
*-4-

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. m (p. 4): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

Statutory Comparison: Under Texas Property Code § 209.0059(a), a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

CURRENT WORDING IN DOCUMENT:

ay include provisions to govern and control the use such Common Area and Common
Facilities by guests or invitees Members, including, without limitation, the number who may
Area and Common Facilities or any part thereof at the same time;
(b) The right of the Associationto suspend the voting rights and right to use of the recreational
or other facilities *-4-

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.