

Section 5. - Sample Provision Excerpt (Public Preview)

Suspend the voting rights and right to use of the recreational facilities of any member luring any period in which such member is in default in the payment oi an issessment levied by the association.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

**Sec. 5. (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:

Suspend the voting rights and right to use of the recreational facilities of any member luring any period in which such member is in default in the payment oi an issessment levied by the association.

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.