

Section 6.5 - Sample Provision Excerpt (Public Preview)

Fine for Continued Delinquency. If any Owner is delinquent in paying its Assessments more than once in any twelve month period, then in addition to the other powers herein granted, the Board may impose a fine not to exceed \$500 for each delinquent payment, F:\81\LENS26\00001\FORMS\CC&R*ACC.3 3/29/06:10:16AM A-12

ISSUE #1 the part of the delinquent...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6.5 (p. 24): 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:

Fine for Continued Delinquency. If any Owner is delinquent in paying its Assessments more than once in any twelve month period, then in addition to the other powers herein granted, the Board may impose a fine not to exceed \$500 for each delinquent payment, F:\81\LENS26\00001\FORMS\CC&R*ACC.3 3/29/06:10:16AM A-12 which shall be part of the delinquent...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006.