

Section 5.5123 - Sample Provision Excerpt (Public Preview)

By-Laws. A member's voting rights shall be suspended if he has not paid the maintenance charge assessment through the current year. Suspension of voting rights shall last until the member shall have paid his dues.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 5.5123 (p. 2): 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:

By-Laws. A member's voting rights shall be suspended if he has not paid the maintenance charge assessment through the current year. Suspension of voting rights shall last until the member shall have paid his dues.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
By-Laws. A member's voting rights shall be suspended if he has not paid the maintenance charge assessment through the current year. Suspension of voting rights shall last until the member shall have paid his dues. [STATUTORY VOTING RIGHTS PROTECTION]: 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.