Section 4.2 - Sample Provision Excerpt (Public Preview)

Allocation of Votes in the Association. Each Owner 1s automatically a member of the Association, and possesses one vote with respect to each Unit owned by such Owner All voting rights of an Owner may be suspended during any period that such Owner 1s delinquent for more than 30 days in the payment of any Assessment duly established pursuant to Of the bvners...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.2 (p. 13): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: (Texas Uniform Condominium Act)

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:

Allocation of Votes in the Association. Each Owner 1s automatically a member of the Association, and possesses one vote with respect to each Unit owned by such Owner All voting rights of an Owner may be suspended during any period that such Owner 1s delinquent for more than 30 days in the payment of any Assessment duly established pursuant to Of the bvners...

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.