



Section 2.04 - Sample Provision Excerpt (Public Preview)

Suspension of Membership Rights. The membership rights of a Member, including, without limitation, voting rights, may be suspended by the Board of Directors by notice to such Member during any period when assessments of the Association remain unpaid (unless the Member is in good faith contesting

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2.04 (p. 17): 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:

Suspension of Membership Rights. The membership rights of a Member, including, without limitation, voting rights, may be suspended by the Board of Directors by notice to such Member during any period when assessments of the Association remain unpaid (unless the Member is in good faith contesting

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Suspension of Membership Rights. The membership rights of a Member, including, without limitation, voting rights, may be suspended by the Board of Directors by notice to such Member during any period when assessments of the Association remain unpaid (unless the Member is in good faith contesting [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.