

Section 6.4. - Sample Provision Excerpt (Public Preview)

All voting rights of an Owner shall be suspended during any period in which such Owner is delinquent in the payment of assessment duly established by the Association or is otherwise in default hereunder or under the Bylaws or Rules and Regulations of the Association.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6.4. (p. 3): Open Board Meeting, Action Without Meeting, or Member Governance Defect: Clause authorizes unnotified board meetings or unilateral board action by written/email consent outside open noticed meetings, or unlawfully restricts member governance rights under TX law.

Statutory / Legal Reference: Tex. Prop. Code § 209.0051(c), (h) (Open Board Meetings & Prohibited Action Without Meeting)

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:

All voting rights of an Owner shall be suspended during any period in which such Owner is delinquent in the payment of any assessment duly established by the Association or is otherwise in default hereunder or under the Bylaws or Rules and Regulations of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

All voting rights of an Owner shall be suspended during any period in which such Owner is delinquent in the payment of any assessment duly established by the Association or is otherwise in default hereunder or under the Bylaws or Rules and Regulations of the Association. [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.