Section COVENANT ENFORCEMENT AND FINING POLICY - Sample Provision Excerpt (Public Preview)

of fines against violating owners. NOW, THEREFORE, ITIS RESOLVED that the following procedures and practices a established for the enforcement of the restrictive covenants of the Declaration and for the elimination of

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. COVENANT ENFORCEMENT AND FINING POLICY (p. 3): 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 after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
of fines against violating owners. NOW, THEREFORE, ITIS RESOLVED that the following procedures and practices are established for the enforcement of the restrictive covenants of the Declaration and for the elimination of

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
of fines against violating owners. NOW, THEREFORE, ITIS RESOLVED that the following procedures and practices are established for the enforcement of the restrictive covenants of the Declaration and for the elimination of [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL 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.