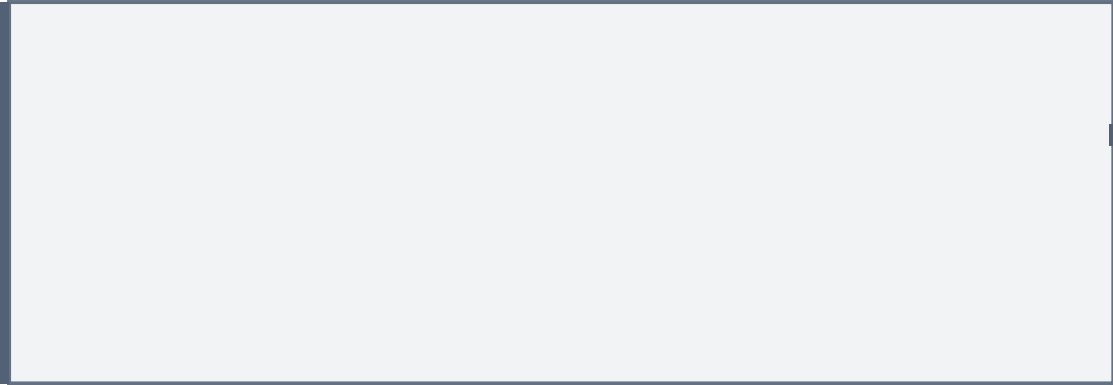




Section 2.9.4 - Sample Provision Excerpt (Public Preview)

Fines, Penalties. The Board may levy fines or other penalties for each day or occurrence that a violation of the Governing Documents persists after notice and hearing, provided the amount of the fine or the penalty does not exceed that necessary to ensure compliance with the Governing Documents.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.9.4 (p. 6): 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...

CURRENT WORDING IN DOCUMENT:
Fines, Penalties. The Board may levy fines or other penalties for each day or occurrence that a violation of the Governing Documents persists after notice and hearing, provided the amount of the fine or the penalty does not exceed that necessary to ensure compliance with the Governing Documents.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Fines, Penalties. The Board may levy fines or other penalties for each day or occurrence that a violation of the Governing Documents persists after notice and hearing, provided the amount of the fine or the penalty does not exceed that necessary to ensure compliance with the Governing Documents.