

Section 5.4 - Sample Provision Excerpt (Public Preview)

following means: (i) by entry upon any property after notice and hearing (unless a bona fide emergency exists in which event this right of entry may be exercised without notice to the Owner in such manner as to avoid any unreasonable or unnecessary interference with the lawful possession, use or enjoyment of the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY EVICTION / LEASING VETO CONFLICT

BOARD & COUNSEL REVIEW

Sec. 5.4 (p. 10): Leasing clause requires Board approval of tenants, demands tenant credit/application records, or requires unredacted lease copies in violation of Tex. Prop. Code § 209.016 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 209.016 (SB 1588)

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:

following means: (i) by entry upon any property after notice and hearing (unless a bona fide emergency exists in which event this right of entry may be exercised without notice to the Owner in such manner as to avoid any unreasonable or unnecessary interference with the lawful possession, use or enjoyment of the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

following means: (i) by entry upon any property after notice and hearing (unless a bona fide emergency exists in which event this right of entry may be exercised without notice to the Owner in such manner as to avoid any unreasonable or unnecessary interference with the lawful possession, use or enjoyment of the [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...