Section 2. - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights of any Member and to suspend the right of any Member to use or enjoy any of the Common Properties for any period during which any assessment (including without limitation "fines") against a Lot owned

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2. (p. 7): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592

Statutory Comparison: Tex. Prop. Code § 209.0059 provides that 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:

The right of the Association to suspend the voting rights of any Member and to suspend the right of any Member to use or enjoy any of the Common Properties for any period during which any assessment (including without limitation "fines") against a Lot owned

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059 and § 209.00591, no Owner's right to vote on any Association matter or to run for election to the Board of Directors may be suspended or conditioned upon assessment payment status, covenant compliance, or on-site residency (subject only to the narrow felony conviction and co-resident limitations in § 209.00591(b)-(c)).