

Section 51.002 - Sample Provision Excerpt (Public Preview)

Voting Rights. Each Member is entitled to one (1) vote, provided that natural person must be eighteen (18) years of age or over. Where property is owned by more than one person there shall be but one vote among the owners. The Board of Directors may suspend the voting rights of a member for willful failure to comply with the Bylaws or requirements of membership; such individuals shall have an opportunity for hearing before the Board of Directors.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 51.002 (p. 10): 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 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:

Voting Rights. Each Member is entitled to one (1) vote, provided that natural person must be eighteen (18) years of age or over. Where property is owned by more than one person there shall be but one vote among the owners. The Board of Directors may suspend the voting rights of a member for willful failure to comply with the Bylaws or requirements of membership; such individuals shall have an opportunity for hearing before the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Voting Rights. Each Member is entitled to one (1) vote, provided that natural person must be eighteen (18) years of age or over. Where property is owned by more than one person there shall be but one vote among the owners. The Board of Directors may suspend the voting rights of a member for willful failure to comply with the Bylaws or requirements of membership; such individuals shall have an opportunity for hearing before the Board of Directors. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.