Section Clause #1 - Sample Provision Excerpt (Public Preview)

15857
TABLE
OF
CONTENTS
FOR
DECLARATION

ISSUE #1

COVENANTS,
CONDITIONS
AND
RESTRICTIONS
oF
CROSSINGS
TOWNHOMES
INTRODUCTORY
ASSESSMENT
Paragraph

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION
BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614).

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:
15857 TABLE OF CONTENTS FOR DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS oF CROSSINGS TOWNHOMES INTRODUCTORY ASSESSMENT Paragraph

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).