

Section (ii) - Sample Provision Excerpt (Public Preview)

General. Living Units may be leased only in their entirety. All leases shall be in writing. There shall be no subleasing of Living.Units or assignment of leases unless prior written approval is obtained from the Board of Directors. No transient tenants may be accommodated in a Living Unit.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. (ii) (p. 32): 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 § 209.016 (as amended by SB 1588), a property owners' association may not adopt or enforce a provision that requires a lease or rental applicant or a tenant to be submitted to and approved for tenancy by the association, nor demand a consumer/credit report or rental application.

CURRENT WORDING IN DOCUMENT:

General. Living Units may be leased only in their entirety. All leases shall be in writing. There shall be no subleasing of Living.Units or assignment of leases unless prior written approval is obtained from the Board of Directors. No transient tenants may be accommodated in a Living Unit.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

General. Living Units may be leased only in their entirety. All leases shall be in writing. There shall be no subleasing of Living.Units or assignment of leases unless prior written approval is obtained from the Board of Directors. No transient tenants may be accommodated in a Living Unit.