

Section 6.1. - Sample Provision Excerpt (Public Preview)

deems fit or appropriate and/or suspend the voting rights of such nonpaying Owner so long as such default exists. It is the intent of the provisions of this Section to comply with the provisions of said Section 51.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6.1. (p. 2): Open Board Meeting, Action Without Meeting, or Member Governance Defect: Clause authorizes unnotified board meetings or unilateral board action by written/email consent outside open noticed meetings, or unlawfully restricts member governance rights under TX law.

Statutory / Legal Reference: Tex. Prop. Code § 209.0051(c), (h) (Open Board Meetings & Prohibited Action Without Meeting)

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:

deems fit or appropriate and/or suspend the voting rights of such nonpaying Owner so long as such default exists. It is the intent of the provisions of this Section to comply with the provisions of said Section 51.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

deems fit or appropriate and/or suspend the voting rights of such nonpaying Owner so long as such default exists. It is the intent of the provisions of this Section to comply with the provisions of said Section 51. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.