

Section 3 - Sample Provision Excerpt (Public Preview)

special assessments, other dues, fees, fines, assessments or charges of any kind permitted by the Declaration. 3. Any failure of the Association to enforce this Assessment Collection Policy is not a waiver of any of the terms or conditions of the Assessment Collection Policy.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3 (p. 1): 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 Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

CURRENT WORDING IN DOCUMENT:

special assessments, other dues, fees, fines, assessments or charges of any kind permitted by the Declaration. 3. Any failure of the Association to enforce this Assessment Collection Policy is not a waiver of any of the terms or conditions of the Assessment Collection Policy.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

special assessments, other dues, fees, fines, assessments or charges of any kind permitted by the Declaration. 3. Any failure of the Association to enforce this Assessment Collection Policy is not a waiver of any of the terms or conditions of the Assessment Collection Policy.