



Section VII - Sample Provision Excerpt (Public Preview)

Powers and Duties of the Board of Directors. Section 1. Powers. The Board of Directors shall have power to: Subsection (b), Shall be rewritten from:

(b) Suspend the voting rights and rights to use of the recreational facilities of a member during

ISSUE #1

which said member shall be in default in the payment of any assessment levied by the Association.

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. VII (p. 8): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

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:

Powers and Duties of the Board of Directors. Section 1. Powers. The Board of Directors shall have power to: Subsection (b), Shall be rewritten from:
(b) Suspend the voting rights and rights to use of the recreational facilities of a member during any period in which said member shall be in default in the payment of any assessment levied by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.