## Section 2. - Sample Provision Excerpt (Public Preview)

Fines; Damage assessments; Initiation of foreclosure actions; Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

**Sec. 2. (p. 14): 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 after the notice was mailed.

**CURRENT WORDING IN DOCUMENT:**
Fines; Damage assessments; Initiation of foreclosure actions; Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**
**Fines; Damage assessments; Initiation of foreclosure actions; Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety; [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006.**