

Section 1 - Sample Provision Excerpt (Public Preview)

Written Leases Required: No Owner may lease their Lot except pursuant to a written agreement executed by and between the Owner and their tenant. Each written agreement creating a lease of real property in the Subdivision shall include within it a provision stating that any breach of the Association's restrictive covenants, rules, regulations, or policies,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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:

Written Leases Required: No Owner may lease their Lot except pursuant to a written agreement executed by and between the Owner and their tenant. Each written agreement creating a lease of real property in the Subdivision shall include within it a provision stating that any breach of the Association's restrictive covenants, rules, regulations, or policies,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In compliance with Tex. Prop. Code § 209.016 (SB 1588), the Association shall not require Board approval of any lease or tenant, nor require submission of a credit report, background check, or rental application. The Association may request only the contact information (name, mailing address, phone number, and email address) of each person who will reside on the property under a lease and the...