MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section Clause #1 - Sample Provision Excerpt (Public Preview)

THE VINEYARD AT GRUENE
HOME IMPROVEMENT REQUEST FORM
To protect neighborhood owners' rights and property values, the Declaration of Covenants, Conditions and Restrictions requires that any owner who is considering an improvement to their deeded property submit a request to the Architectural Control Committee and obtain approval prior to initiating work...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:
THE VINEYARD AT GRUENE HOME IMPROVEMENT REQUEST FORM To protect neighborhood owners' rights and property values, the Declaration of Covenants, Conditions and Restrictions requires that any owner who is considering an improvement to their deeded property submit a request to the Architectural Control Committee and obtain approval prior to initiating work...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...