

Section 1 - Sample Provision Excerpt (Public Preview)

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
(Phases 1B, 1C-1)
FOR
VIRIDIAN MUNICIPAL MANAGEMENT DISTRICT PUBLIC
IMPROVEMENT DISTRICT

Dated as of:

ISSUE #1 13

#4234966.1

RECITALS:

A.

The Landowner holds record title to certain real property located in Tarrant County,
Texas, which is subject to assessment.

B.

The Board of Directors (the "Board")...

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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).

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:

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (Phases 1B, 1C-1)
FOR VIRIDIAN MUNICIPAL MANAGEMENT DISTRICT PUBLIC IMPROVEMENT DISTRICT
Dated as of: March 26, 2013 #4234966.1 RECITALS: A. The Landowner holds record title to certain real property located in Tarrant County, Texas, which is subject to assessment. B. The Board of Directors (the "Board")...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).