Section 6.2. - Sample Provision Excerpt (Public Preview)

to the maximum extent permitted under applicable law, suspend the voting rights of a Member and/or the rights of a Member to use of the Association Property during any period in which such Member shall be in default in the payment of any Assessment levied by the

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 6.2. (p. 11): 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:
to the maximum extent permitted under applicable law, suspend the voting rights of a Member and/or the rights of a Member to use of the Association Property during any period in which such Member shall be in default in the payment of any Assessment levied by the

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.