

Section 1 - Sample Provision Excerpt (Public Preview)

6.
Any owner may submit arequest for a payment plan that doesnot meet the foregoing guidelines, along with the whatever information they wish the Board to consider, and the Board may approve or disapprove such payment plan, in its sole discretion; and,
7.

ISSUE #1 who is not qualified to receive a payment plan asks for a payment plan, the Board shall be...

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:

6. Any owner may submit arequest for a payment plan that doesnot meet the foregoing guidelines, along with the whatever information they wish the Board to consider, and the Board may approve or disapprove such payment plan, in its sole discretion; and, 7. If an owner who is not qualified to receive a payment plan asks for a payment plan, the Board shall be...

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).