

Section COVENANT ENFORCEMENT AND FINE POLICY - Sample Provision Excerpt (Public Preview)

provide an opportunity to cure and may impose an immediate fine. The
(vii)
His/her right to assert and protect his/her rights as a member of the Armed
Forces of the United States. The protected individual or family member
shall send written notice of the active-duty military service to the sender of
the Notice of Violation immediately; and

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. COVENANT ENFORCEMENT AND FINE POLICY (p. 17):
Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
provide an opportunity to cure and may impose an immediate fine. The
(vii) His/her right to assert and protect his/her rights as a member of the Armed Forces of the United States. The protected individual or family member shall send written notice of the active-duty military service to the sender of the Notice of Violation immediately; and

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice...