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HOMEOWNER'S ASSOCIATION, INC.

Pandemic Policy

WHEREAS, the Board of Directors (the "Board") of [] Homeowner's Association, Inc. (the "Association") wishes to adopt reasonable guidelines to establish a Pandemic Policy for the Association; and

WHEREAS, the Board held an open board meeting on the [] day of [], 20__ , wherein at least a majority of the Board voted in the affirmative to adopt this Pandemic Policy on behalf of the Association. The Board wishes to adopt these reasonable guidelines in compliance with Section 148.003 of the Texas Civil Practice and Remedies Code of the Texas Property Code ("Section 148.003") regarding liability of the Association under Section 148.003 ("Pandemic Liability"); and

WHEREAS, the Board intends to file this instrument as a stand-alone document in the real property records of each county in which the subdivision is located, in compliance with Section 202.006 of the Texas Property Code; and

NOW, THEREFORE, IT IS RESOLVED that the following policy is established by the Board:

In no event shall the Association or any board member, committee member or officer thereof be liable under Section 148.003 for any Pandemic Liability. With respect to the use of Common Areas and/or any Areas of Common Responsibility owned or maintained by the Association, each Owner for themselves, members, and his or her guests or invitees hereby waives and releases the Association for, from and against any liability for injury or death caused by or in connection with exposure of any individual to a pandemic disease during a pandemic emergency. Furthermore, each Owner for themselves, members, and his or her guests or invitees acknowledges and agrees by recordation hereof as follows:

1. The Association has provided sufficient warning to each individual Owner that exposure of an individual to a disease during a pandemic emergency is likely. Owners are responsible for posting or broadcasting information to tenants, guests, invitees, and others.
2. The Association has no control over conditions related to a pandemic emergency, has no basis of knowledge as to whether any individual would be more likely than not to come into contact with the pandemic disease under any circumstances, and has no obligation, opportunity or ability to remediate conditions or warn any individual of a condition before the individual comes into contact with a condition related to pandemic disease.
3. The Association has no liability or responsibility to comply with any government-promulgated standards, guidance or protocols intended to lower the likelihood of exposure to the disease during a pandemic emergency, and each Owner, members, tenants, respective guests or invitees have a reasonable opportunity and ability to implement or comply with any and all government-promulgated standards, guidance or protocols intended to lower the likelihood of exposure to the disease during a pandemic emergency with respect to such Resident's, Owner's, household member's, guest's or invitee's use of any Common Areas and/or Areas of Common Responsibility.

4. All Common Areas and Areas of Common Responsibility owned or maintained by the Association are entered into and/or used by a Resident, an Owner, members of their households, and their respective guests or invitees at their own risk. The Association disclaims any and all liability or responsibility for injury or death related to the pandemic disease or otherwise occurring from entry or use of the Common Areas and/or Areas of Common Responsibility.

5. As herein referenced in Items No. 2 and 3 above, the Association has no control over conditions related to a pandemic emergency and no liability or responsibility to comply with any government-promulgated standards, however, the Board, shall have every right, under the Texas Business Organizations Code (the "TBOC"), Section 3.251, Subchapter F, to put forth temporary measures, and exercise certain rights and provisions when an emergency exists which shall allow the governing persons to adopt provisions regarding the management and/or order in which the non-profit organization may be governed. Such provisions include, but are not limited to, (i) prescribing procedures for calling a meeting of the governing persons; (ii) establishing minimum requirements for participation at the meeting of the governing persons; and (iii) designating additional or substitute governing persons. Under Section 3.251, Subchapter F of the TBOC, an action taken by a domestic entity in good faith in accordance with the emergency provisions shall be binding upon the entity and may not be used to impose liability on a managerial official, employee, or any agent or governing person of the entity.

The foregoing Pandemic Policy was adopted by the Board of Directors, in accordance with Section 202.006 of the Texas Property Code, and supersedes any policy regarding pandemics which may have previously been in effect.

[Signature Page to Follow]

IT IS FURTHER RESOLVED, that this Policy replaces and supersedes, in all respects, all prior policies and resolutions addressing the Pandemic Policy by the Association, and is effective upon its filing with the office of the county clerk, and shall remain in force and effect until revoked, modified, or amended by the Board.

IN WITNESS WHEREOF, the Board has caused this Policy to be executed by its duly authorized representative as of the ____ of _____, 20__.

[_____] Homeowner’s Association, Inc., a Texas non-profit corporation

Name: _____

Title: [_____], Board President

The undersigned, being the duly appointed and authorized Secretary of [_____] (the “Association”), a Texas nonprofit corporation, do hereby certify that this Pandemic Policy was adopted by the Board of Directors by at least majority of the Board on the [_____] day of [_____] 20__, and are in full force and effect.

By: _____
[_____], Board Secretary