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2023 TEXAS HOA LAW LEGISLATIVE UPDATE QUICK REFERENCE GUIDE

HOUSE BILL 614 – Required Enforcement Policy and Fine Schedule

Section 209.0060 of the Texas Property Code (the “TPC”) now requires all HOAs allowed to levy fines to adopt an enforcement policy regarding the levying of fines. Such enforcement policy must be either posted on the HOA’s website or sent to homeowners annually.

HOUSE BILL 886 – Required Notice of Delinquency Before Filing of Assessment Lien Notice

Section 209.0094 of the TPC now requires a HOA to provide two statutory notices of delinquency to a homeowner before it can file a notice of assessment lien – the second notice must be sent no earlier than 30 days after the first notice of delinquency, and the assessment lien notice cannot be filed until 90 days after the second notice of delinquency.

HOUSE BILL 1193 – Protection of Tenants Based on Method of Payment

Section 202.024 to the TPC now prohibits all HOAs from enforcing any restriction against leasing a home to tenants using Section 8 vouchers or other housing-assistance programs to pay rent.

HOUSE BILL 1558 – Statutory Procedures for the Amendment of Declarations in Certain Older Subdivisions

Section 216 to the TPC establishes new statutory procedures for amendment of restrictive covenants in neighborhoods platted before 1947.

SENATE BILL 1668 – The Omnibus Bill

Section 82.1142 of the TPC requires condo associations to maintain an internet website and to publish its Dedicatory Instruments on such internet website (similar to the law enacted for subdivision associations in 2021).

Section 82.116 of the TPC now requires condos to file their management certificate with TREC (similar to the law enacted for subdivision associations in 2021).

Section 82.157 of the TPC, limits the charge for a resale certificate to \$375 (similar to the law enacted for subdivision associations in 2021).

Section 202.023 of the TPC is modified to allow more regulations of perimeter and front yard fences.

Sections 209.00506 and 209.00507 of the TPC now requires a candidate-solicitation notice for architectural review committee members similar to the candidate-solicitation notice required for board member elections.

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