

**Legislative Update-Homeowners’ and Condominium Owners’ Associations  
88<sup>th</sup> Regular Session**

Bill Number	Statute	Summary
HB 614	New Section Texas Property Code Section 209.0061 Effective 1/1/24	<ul style="list-style-type: none"> <li>• This section only applies to homeowners’ association that are authorized to levy fines. This section does not apply to condominium owners’ associations.</li> <li>• This section only applies to fines that become due on or after January 1, 2024.</li> <li>• A homeowners’ association’s board is required to adopt an enforcement policy regarding the levying of fines. The policy shall include: general categories of restrictive covenants or which the association may assess fines, a schedule of fines for each category of violation, and information regarding hearings described in Section 209.007.</li> <li>• The enforcement policy may reserve to the board the authority to levy a fine from the schedule on a case by case basis.</li> <li>• The association shall provide each owner a copy of the policy by:               <ul style="list-style-type: none"> <li>(A) Posting the policy on the website maintained by the association or its agent that is accessible by the members, <u>OR</u></li> <li>(B) <u>Annually</u> sending a copy of the policy, separately or included in routine communications from the association, by (i) hand delivery to the owners, (ii) first class mail to the owner’s last known address, or (iii) e-mail if one has been provided to the association.</li> </ul> </li> <li>• Additionally, the association shall make the policy available on <u>any</u> publicly accessible association website. See Section 207.006 related to association websites being mandatory if it has 60 or more lots or has a management company.</li> </ul>
HB 1193	New Section Texas Property Code Section 202.024	<ul style="list-style-type: none"> <li>• This Section governs both homeowners’ and condominium owners’ associations.</li> </ul>

	Effective 9/1/23	<ul style="list-style-type: none"> <li>An association may not enforce a provision in its dedicatory instrument that prohibits or restricts an owner from renting to a person based upon the payment being made in whole or part with a Section 8 housing choice voucher or any other governmental housing assistance program.</li> </ul>
HB 886	Amendment to Texas Property Code 209.0094 Effective 9/1/23	<ul style="list-style-type: none"> <li>This Section governs only homeowners' and not condominium owners' associations.</li> <li>Before the association files an assessment lien, the association must provide notices of delinquency in the form of two (2) notices. The first notice of delinquency must be provided: (i) by first class mail to the property owner's last known mailing address, as reflected in records maintained by the association; or (ii) by e-mail to an e-mail address the property owner has provided to the property owners' association. The second notice of delinquency must be provided by certified mail, return receipt requested, to the property owner's last known mailing address, as reflected in the records maintained by the association, not earlier than the 30th day after the prior notice is given. The association may not file an assessment lien before the 90th day after the date the second notice of delinquency was sent to the property owner. The foregoing does not apply to a property owners' association providing a property owner covered by the Servicemembers Civil Relief Act (50 U.S.C. Section 3901 et seq.) the protections to which the owner is entitled under the Act. The section applies only to an assessment that becomes delinquent on or after the effective date. An assessment that becomes delinquent before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.</li> <li>This amendment does not affect the other statutory requirements that provide additional protections for owners with which an association is required to comply.</li> </ul>
HB 1558	New Section Texas Property Code Chapter 216 Effective Immediately	<ul style="list-style-type: none"> <li>This Chapter applies to a homeowners' association that was platted prior to 1947 and (1) is wholly or partly located in a municipality with a population of two million or more; (2) had original restrictions that: (A) for at least one section of the subdivision, did not have an express procedure that provides for successive extensions of the restrictions; (B) did not have an express procedure for amending the restrictions; (C) under the common law of this state could not be amended without the unanimous consent of: (i) all owners in the subdivision; or (ii) all owners in any section of the subdivision; and</li> </ul>

		<p>(D) may no longer be valid due to an inability to extend or amend the restrictions; and (3) has a single property owners’ association in which all owners in the subdivision are eligible for membership but in which membership is not mandatory.</p> <ul style="list-style-type: none"> <li>• The chapter provides a procedure for extending or amending restrictions for the certain older subdivisions described above, including the removal of any restriction relating to race, religion, or national origin that is void and unenforceable under the United States Constitution or Section 5.026.</li> </ul>
HB 1957	Texas Business Organizations Code Section 22.353 Effective 9/1/23	<ul style="list-style-type: none"> <li>• This Section governs both homeowners’ and condominium owners’ associations.</li> <li>• An association corporation shall keep each document the corporation is required to make available for public inspection as an entity that is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization under Section 501(c)(3) of that code, at the corporation’s registered or principal office in this state for at least three (3) years after the close of the fiscal year. The association shall make the documents described above available to the public for inspection and copying at the corporation’s registered or principal office during regular business hours. The corporation may charge a reasonable fee for preparing a copy of a document.</li> </ul>
HB 998	Amendment to Texas Insurance Code Section 2211.001, .051, .054, .1515, .153, .154(a), .155, .201 Effective 9/1/23	<ul style="list-style-type: none"> <li>• This Section governs both homeowners’ and condominium owners’ associations.</li> <li>• Chapter 2211 of the Texas Insurance Code relates to areas of the state where insurance is not reasonably available and the establishment of a Fair Access to Insurance Requirements Plan to deliver residential property insurance to residents of the state.</li> <li>• Chapter 2211 provides a procedure for the FAIR Plan Association established pursuant to Chapter 2211 to provide insurance to the owners/members.</li> <li>• If this applies to your association, you should seek legal counsel to determine the effect.</li> </ul>

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