



Texas Homeowner Rights Enacted By The Texas Legislature

Transparency In Board Operations

Open Meetings - Board Meeting must be open to owners.

Notice Of Board Meetings - Owners must be given notice of board meetings, including the date, hour, location and general description of the topics to be brought up in executive session.

Open Records - Owners are entitled to most association records.

Website - If an association has a publicly accessible website, governing documents of the association including declaration, bylaws, rules, articles and amendments must be posted on the website.

Voting Reforms - eliminating secret ballots, permitting electronic and absentee ballots, eliminating voting disqualifications, new rules on vote tabulations and permitting vote recounts.

Foreclosure Protection

HOAs, in most cases, must provide increased consumer protections to owners by providing payment plans to owners who need assistance in hard times before trying to foreclose.

HOAs must provide additional notices to homeowners before turning over a case to an attorney or collections agent.

The HOA must participate in a judicial proceeding and be granted a court order before foreclosing on a homeowner.

Flags and Flagpoles

HOAs must permit homeowners to install a flagpole and fly the flags of the U.S., Texas and U.S. military branches, subject to certain rulemaking authority of the association.

Energy-Efficient Devices

All owners have the right to install solar devices, energy-efficient roofing and rain barrels, subject to certain rulemaking authority of the association.

You Can Find Your Legal Rights In The Following Areas Of The Law:

Texas Property Code

Chapter 5: Conveyances (HOAs, POAs and Condos)

- CERTAIN TRANSFER FEES PROHIBITED (HB 8)

Chapter 202: Construction and Enforcement of Restrictive Covenants (HOAs, POAs and Condos)

- RELIGIOUS DOOR DISPLAYS (HB 1278)
- SOLAR DEVICES (HB 362)
- ENERGY EFFICIENT ROOFING (HB 362)
- FLAG AND FLAGPOLES (HB 2779)
- RAIN BARRELS (HB 3391)
- RECORD DEDICATORY INSTRUMENTS (HB 1821)

Chapter 207: Disclosure of Information by Property Owners Associations (HOAs, POAs and Condos)

- POST ONLINE DEDICATORY INSTRUMENTS (HB 1821)
- RESALE CERTIFICATE DISCLOSURES (HB 1821)

Chapter 209: Texas Residential Property Owners Protection Act (HOAs & POAs – Not Condos)

- 67% OWNER APPROVAL FOR AMENDMENTS TO THE DECLARATION (SB 472)
- ELECTIONS (SB 472)(HB 2761)
 - Absentee/Electronic Ballots
 - No Secret Ballots
 - No Voting/Board Member Disqualifications
 - Tabulation/Recount Rules
 - Mandatory Owner Meeting Notices
 - Mandatory Annual Meeting
- BOARD MEETINGS (HB 2761)
 - Open to Members
 - Required Meeting Minutes
 - Executive Session Rule
 - Mandatory Board Meeting Notices
- RECORDS (HB 2761)
 - Inspection, Production and Copying Rules
 - Retention Rules
- ASSESSMENT COLLECTION (HB 1228)
 - Mandatory Payment Plans
 - Application of Payment Priorities
 - Third-Party Debt Collector Rules
 - Attorney Lien Filing
 - Mandatory Judicial Foreclosure

There are more than 5 million people living in the 25,000-30,000 community associations in the state of Texas. Community associations generate assessment revenues of approximately \$3.2 billion dollars annually and employ thousands of workers through various service providers across the state. Thousands of volunteer board members dedicate their time to working with their neighbors for the benefit of their community.