

## New HOA State Laws

The summary of each of the 32 new laws is very general. For specifics and exceptions, refer to the House or Senate bill or the Texas Property Code to read the law in its entirety.

[Rain Barrel Rules](#) (Texas Prop. Code 202.007d) HB3391 Effective 9/1/11

HOAs must permit owners to install and use rain-harvesting devices if they meet certain architectural requirements.

[Solar Panels](#) (Texas Property Code 202.010) HB 362 Effective 6/20/11

HOAs must permit owners to install solar panels with certain permissible limitations.

[Storm Shingles](#) (Texas Property Code 202.011) HB 362 Effective 6/20/11

HOAs must allow owners to install shingles of certain materials made to resist wind and hail, provide heating/cooling efficiency, or generate solar energy.

[Flags](#) (Texas Property Code 202.011) HB 2779 Effective 6/20/11

HOAs must permit owner to display the US, Texas or military branch flag, with permissible limitations.

[Religious Display](#) (Texas Property Code 202.018) HB 1278 Effective 6/20/11

HOAs must allow an owner to display religious items on his front door or doorframe, with certain permissible limitations.

[Open Board Meetings](#) (Texas Property Code 209-0051) HB 2761 Effective 1/1/12

Board Meetings (regular and special) must be open to owners, with some exceptions.

[Meeting Notice](#) (Texas Prop. Code 209.0056) HB 2761 Effective 1/1/12

HOAs must give owners notice of an HOA-wide election or vote.

[Recount Procedures](#) (Texas Prop. Code 209.0057) HB 2761 Effective 1/1/12

HOAs must conduct a recount of an election vote if requested by an owner.

[No Secret Ballots](#) (Texas Prop. Code 209.0058) HB 2761 Effective 9/1/11

Secret Ballots are prohibited.

[Owner Voting Rights](#) (Texas Prop. Code 209.0059) HB 2761 Effective 9/1/11

Owners may not be disqualified from voting for any reason.

[Director Qualifications](#) (Texas Prop. Code 209.00591 & .00592) HB 2761 Effective 9/1/11

Owner director qualifications are void; all owners may run for the Board.

[Developer Director Transition](#) (Texas Prop. Code 209.00591c) HB 2761 Effective 1/1/12

Establishes time frame when non-declarant owners must be elected to the Board.

[Electronic & Absentee Ballots](#) (Texas Prop Code 209.00593 & .00592) SB 472 & HB 2761 Eff. 9/1/11

Electronic and absentee ballots votes are valid if the ballots meet certain requirements.

[Director Appointment](#) (Texas Prop. Code 209.00593) HB 2761 Effective 1/1/12

Directors may not be appointed to positions whose terms have expired.

[Election Vote Tabulators](#) (Texas Prop. Code 209.00594) SB 472 & HB 2761 Effective 9/1/11

Only election vote tabulators allowed access to ballots.

[Annual Meetings & Elections](#) (Texas Prop. Code 209.014) HB 2761 Effective 1/1/12

HOAs must hold annual meetings or owners may themselves call an election meeting.

[Recording Requirement](#) (Texas Prop. Code 202.006) HB 1821 Effective 1/1/12

Unrecorded HOA dedicatory instruments are of "no effect."

[Website Posting](#) (Texas Prop. Code 207.006) HB 1821

An HOAs dedicatory instruments must be posted on an HOA "publicly accessible" HOA website that must include copies of all governing documents of the HOA (i.e., declaration, bylaws, rules, articles and all amendments).

[Declaration Amendment](#) (Texas Prop. Code 209.0041 (SB 472) Effective 9/1/11

Declarations may be amended by 67% of the Owners (or less stated in the declaration).

[Open Records](#) (Texas Prop. Code 209.005) HB 2761 Effective 1/1/12

HOAs must adopt and file an open records policy; open records procedures established.

[Records Retention Policy](#) (Texas Prop. Code 209.005m) HB 2761 Effective 1/1/12

HOAs must adopt a records retention policy; certain statutory time frames established.

[Military Notice](#) (Texas Prop. Code 209.006b) HB 1127 Effective 1/1/12

Mandatory inclusion of military notice established.

[Payment Plan Guidelines](#) (Texas Prop. Code 209.0062) HB 1228 & HB 1821 Effective 1/1/12

Payment plans required and guidelines are mandated.

[Application of Payments](#) (Texas Prop. Code 209.0063) HB 1228 Effective 1/1/12

Mandatory application of payments schedule. States HOA must apply owners' payments in the following order: delinquent assessments, current assessments, attorney fees or third party collection costs, other attorney fees, fines, other amounts.

[Third Party Collections](#) (Texas Prop. Code 209.0064) HB 1228 Effective 1/1/12

Required notice to owner prior to turning delinquent accounts over to a third party collection agent and certain contingency fee arrangements made unenforceable against an owner.

[Copy Charge Foreclosure](#) (Texas Prop. Code 209.009) HB 2761 Effective 1/1/12

No HOA foreclosure for copy charges related to books and records.

[Junior Lienholder Notice](#) (Texas Prop. Code 209.0091) HB 1228 Effective 1/1/12

Prior notice of foreclosure must be sent to junior lienholders.

[Judicial Foreclosure](#) (Texas Prop. Code 209.0092) HB 1228 Effective 1/1/12

Non-judicial HOA foreclosures prohibited.

[Foreclosure Amendment](#) (Texas Prop. Code 209.0093) HB 1228 Effective 1/1/12

Foreclosure provisions can be added or removed by owners from declaration.

[Lien Notices](#) (Texas Prop. Code 209.0094) HB 1228 Effective 1/1/12

Confirms prior law that HOA lien notices and similar instruments affect title to property.

[Transfer Fees](#) (Texas Prop. Code Chap. 5, subchap. G) HB 8 Effective 6/17/11

Certain types of transfer fees are prohibited with general exceptions for most HOA transfer fees.

[Resale Certificates](#) (Texas Prop. Code 207.003) HB 1821 Effective 1/1/12

New requirements and time frames for resale certificates are established.