

**2007 TEXAS BILLS PERTAINING DIRECTLY TO PROPERTY OWNERS ASSOCIATIONS**

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BILL NO. AUTHOR	SUBJECT	THIS BILL APPLIES TO . . . .				STATUS AS OF 3/11/07
		DEVELOPER CONTROLLED HOA/ACC	SF	TH	C	
<b>HB 222 SOLOMONS</b> [Dallas - on B+I]	<b>POTPOURRI</b> <i>Relating to property owners' associations.</i> Platting, TREC website, Right of First Refusal, Transfer Fees, Resale Disclosures, Bylaws Contents, Rules, Fines, Payment Plan Amends TPC Section 5.012, Chapters 207 + 209, adds new TPC Sections 5.027, 5.028. Sec 5.012 & Ch. 209 do not apply to CONDOS. Secs 5.027 + 5.208 DO apply to CONDOS. Ch. 207 not clear as to CONDOS. No exemption for Developer-controlled HOAs.	✓	✓	✓	✓	1/31/07 H B+I
<b>HB 1171 BAILEY</b> [Houston - on B+I]	<b>POTPOURRI</b> <i>Relating to the operation of property owners' associations.</i> Govt standards for open meetings + records, Same Notices - in Spanish & English - for Delinquent Dues and Rules Violations, Payment Plans, Judicial Foreclosure, Right of Redemption extended from 180 days to 2 years Amends TPC Chapter 209 - these changes do not apply to CONDOS. Amends Govt Code Chapters 551+552 (open records/open meetings) to apply to mandatory HOA statewide - includes CONDOS. No exemption for Developer-controlled HOAs.	✓	✓	✓	✓	2/13/07 H B+I
<b>SB 979 WEST</b> [Dallas - Chairs IGR]	<b>POTPOURRI</b> <i>Relating to the operation of property owners' associations.</i> Resale Certificates, Right of First Refusal, Amending CC&Rs, Counting Votes, Redacting Info, Curing Violations, Fines, Payment Plans, Application of Payments, Judicial Foreclosure, Plats. Amends TPC Section 5.012 + TPC Chapters 202, 209. ( <i>Chapter 202 changes apply to condos, too.</i> ) No exemption for Developer-controlled HOAs.	✓	✓	✓	✓	3/7/07 S IGR
<b>HB 493 ORR</b> [Burleson]	<b>APPLICATION OF PAYMENTS [STATEWIDE EXCEPT FOR 1 PROJECT IN HOUSTON AREA]</b> <i>Relating to priority of payment relating to property owners' association assessments.</i> Amends TPC Chapter 209 to add (b) and (c) to Sec. 209.009, mandating how owner's payments are applied. Overlooks many categories. Oddly positioned in foreclosure section of 209. Unclear how it applies to transfer-related payments, such as reserve contributions and working fund contributions. No exemption for Developer-controlled HOAs. Chapter 209 does not apply to CONDOS.	✓	✓	✓	NO	2/5/07 H B+I
<b>HB 749 DUTTON</b> [Houston]	<b>FORECLOSURE</b> <i>Relating to the foreclosure of certain liens on real property.</i> Amends TPC Chapter 202 to add Sec. 202.010, exempting homesteads from foreclosure of liens created by CC&Rs - judicial & nonjudicial. Oddly worded. May apply to liens securing party wall agreements or reciprocal easement agreements in CC&Rs. Chapter 202 affects ALL TYPES of residential projects with HOAs-even condos. Without threat of foreclosure, assessment collection is more costly to HOA - including Developer-controlled HOAs.	✓	✓	✓	✓	2/7/07 H B+I

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<b>HB 976</b> <b>VAN ARSDALE</b> [Houston] [on Approp, Calendars, State Affrs]	<b>AMENDMENT OF RESTRICTIONS</b> [BRACKETED Cities over 100,000 + Houston area] <i>Relating to the amendment or extension of restrictive covenants on residential property.</i> Amends TPC Chapter 201	NO				2/12/07 H B+I
<b>HB 3518</b> <b>CREIGHTON</b> [Conroe]	<b>AMENDMENT OF RESTRICTIONS</b> [BRACKETED to Houston area] <i>Relating to the powers of a property owners' association relating to restrictive covenants in certain subdivisions.</i> Amends TPC Chapter 204 by adding (b) and (c) to 204.003 - to make CC&Rs easier to amend if more than 75% required. Chapter 204 is bracketed to Greater Houston area.	NO	✓	✓	NO	3/9/07 H filed
<b>HB 3709</b> <b>CALLEGARI</b> [Houston]	<b>AMENDMENT OF RESTRICTIONS</b> <i>Relating to the authority to amend restrictions applicable to certain residential subdivisions.</i> Amends TPC Chapter 209 by adding 209.012, to allow CC&Rs amendment by HOA after Declarant control. Oddly worded. Seems aimed to limit developer's control of the amendment process. Possibly an anti-developer provision. Chapter 209 does not apply to CONDOS. No exemption for Developers & Developer-controlled HOAs.	✓✓✓	✓	✓	NO	3/9/07 H filed
<b>SB 566</b> <b>WENTWORTH</b> [SanAntonio - on IGR]	<b>AMENDMENT OF RESTRICTIONS.</b> Changes (broadens) applicability of TPC Chapter 211.					3/7/07 S IGR hearing - Left pending
<b>HB 231</b> <b>RITTER</b> [Nederland]	<b>RENEWAL ENERGY</b> <i>Relating to the regulation of certain renewable energy technology by a property owners' association.</i> Amends TPC Chapter 202 by adding 202.008 - differs from other proposed 202.008s. Voids restrictions that prohibit "renewable energy technology". HOA can dictate location ONLY of device if location does not impair its effectiveness. HOA cannot regulate appearance. Chapter 202 affects ALL TYPES of residential projects with HOAs-even condos. No exemption for Developer-controlled HOAs and ACCs.	✓	✓	✓	✓	1/31/07 H B+I
<b>HB 1651</b> <b>LEIBOWITZ</b> [San Antonio]	<b>RENEWABLE ENERGY - SOLAR PANELS [STATEWIDE EXCEPT FOR LAS COLINAS]</b> <i>Relating to the regulation of solar energy panels by a property owners' association.</i> Amends TPC Chapter 202 by adding 202.008 - differs from SB 358. Voids restrictions that prohibit solar energy panels, but does allow a degree of architectural control by POA. Chapter 202 affects ALL TYPES of residential projects with HOAs-even condos. No exemption for Developer-controlled HOAs + ACCs. Affects architectural control of all residential projects - attached, detached, high-rise.	✓	✓	✓	✓	2/26/07 H B+I

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<b>SB 358</b> <b>JACKSON</b> [Houston]	<b>RENEWABLE ENERGY - SOLAR PANELS</b> <i>Relating to the regulation of solar energy panels by a property owners' association.</i> Amends TPC Chapter 202 by adding 202.008 - simpler than HB 1651. Voids restrictions that prohibit solar energy panels. Chapter 202 affects ALL TYPES of residential projects with HOAs-even condos. No exemption for Developer-controlled HOAs + ACCs. Affects architectural control of all residential projects - attached, detached, high-rise.	✓	✓	✓	✓	2/28/07 S IGR hearing - Left pending
<b>HB 1630</b> <b>MARTINEZ (Mando)</b> [Weslaco - on B+I]	<b>OPEN RECORDS, OPEN MEETINGS</b> <i>Relating to the meetings and records of certain property owners' associations.</i> Amends Govt Code + TPC Chapter 209 to make ALL residential HOAs subject to open meetings and open records laws for local governments by removing current bracket for Woodlands. No exemption for Developer-controlled HOAs. Chapter 209 does not apply to CONDOS.	✓	✓	✓	NO	2/22/07 H B+I
<b>HB 3763</b> <b>DAVIS (JOHN)</b> [Houston]	<b>OPEN RECORDS, OPEN MEETINGS</b> [Partly BRACKETED for mixed-use project in Houston area] <i>Relating to the operation of property owners' associations.</i> (Similar to HB 3674) Amends TPC Chapter 209 (1) to hold HOAs statewide to govt standard for open records - Govt Code Ch. 552, (2) to prohibit disenfranchisement for rules violations in a particular mixed-use project in Houston [BRACKETED Sec. 209.0055] Amends Govt Code Chapters 551+552 (open records/open meetings) to apply to (1) ALL POAs of residential subdivisions statewide and (2) particular mixed-use PUDs in Houston area [BRACKETED Secs. 551.015(a)(2) + 552.0036(b)(2)]. Chapter 209 does not apply to CONDOS. No exemption for Developer-controlled HOAs.	✓	✓	✓	NO	3/9/07 H filed
<b>HB 3674</b> <b>DAVIS (JOHN)</b> [Houston]	<b>OPEN RECORDS, OPEN MEETINGS</b> [Partly BRACKETED for mixed-use project in Houston area] <i>Relating to the operation of property owners' associations.</i> (Similar to HB 3763) Amends TPC Chapter 209 (1) to hold HOAs statewide to govt standard for open records - Govt Code Ch. 552, (2) to prohibit disenfranchisement for rules violations in a particular mixed-use project in Houston [BRACKETED Sec. 209.0055] Amends GovtCode Chapters 551+552(open records/open meetings) to apply to a particular mixed-use project in Houston [BRACKETED Secs. 551.015(a)(2) + 552.0036(2)] Chapter 209 does not apply to CONDOS. No exemption for Developer-controlled HOAs.	✓	✓	✓	NO	3/9/07 H filed

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<b>HB 2218</b> <b>HOCHBERG</b> [Houston]	<b>ACC MORPHS INTO CIVIC ASSOCIATION (IF NO HOA)</b> [BRACKETED to Houston area] <i>Relating to the vesting of architectural control committee authority in certain subdivisions.</i> Amends TPC Chapter 204 by adding (d) to 204.011 - Chapter 204 is bracketed to Greater Houston area. Aims at a project-specific set of circumstances.	NO				3/7/07 H B+I
<b>HB 2402</b> <b>TRUITT</b> [Ft. Worth]	<b>HOA ACCESS EASEMENT ACROSS LOTS</b> <i>Relating to restrictive covenants that grant easements to certain property owners' associations.</i> Amends TPC Chapter 209 by adding 209.012. Prohibits <u>amendment</u> of CCRs to grant HOA access easement over owner's lot w/o owner's consent. Does not prohibit easement in original CCRs. Chapter 209 does not apply to CONDOS.	NO	✓	✓	NO	3/8/07 H B+I
<b>HB 3794</b> <b>BOLTON</b> [Austin]	<b>GROUP HOMES</b> <i>Relating to the establishment of a family home within a property owners association.</i> Since 1991, Chapter 123 of Texas Human Resources Code has voided HOA restrictions against group homes. HRC Chapter 123 contains procedures for operating a group home. HB 3794 adds more procedures - to TPC Chapter 202 instead of HRC Chapter 123. (Why?) Although TPC Chapter 202 applies to CONDOS as well as single family, HB 3794 inartfully borrow POA definition from Chapter 209, which does NOT apply to CONDOS. Also, new 202.003(g) adds another stand-alone resale requirement.	NO	✓	✓	✓	3/9/07 H filed