

Highlights of 2012 Texas Laws pertaining to HOA's and POA's

HB1228:

Creates an expedited foreclosure process where the Texas Supreme Court established rules for expedited foreclosure proceedings for an association to use in foreclosing an assessment lien. The recipient of the notice has 60 days to fix the delinquency before an association can start a judicial foreclosure or post a notice to auction the property. It became law Jan. 1.

SB101:

Adds foreclosure protections for active military personnel. It became law Sept. 1.

HB2761:

Prevents associations from foreclosing on an owner for fines associated with records requests alone. It becomes law Sunday.

HB1821:

Says a restrictive covenant has no effect until it is filed with the appropriate county. Also requires that if an association has a website, it must include copies of all governing documents. It becomes law Sunday.

HB362:

Prohibits a restrictive covenant against installing a solar energy device, but there are health and safety rules as well other stipulations about where it can be placed. It became law June 17.

SB472:

Says an association's restrictive covenant can be amended only by a vote of 67 percent of the total votes allocated to property owners, but it can be a lower percentage if the association's declaration specifies that. Any vote by an association member must be conducted in writing and signed. Any rule preventing an owner from running for a position on the board is also void. It became law June 17.

HB2761:

Expands access to an association's books

HB2761:

Expands access to an association's books and records. If an association cannot produce required records within 10 days of receiving a request, it must give the requestor a date within 15 business days by which the information will be available. It becomes law Sunday.

HB1821:

Mandates that associations provide owners with written notice of their right to receive resale certificates. A buyer must pay fees for a resale certificate to the association unless the buyer and seller agree otherwise. It becomes law Sunday.

HB2779:

Homeowners have an absolute right to fly U.S. Texas or military flags absent adoption of association rules related to flag displays. It became law Sept. 1.

HB1278:

Associations must permit owners to display religious items on the front door or doorframe unless the display contains obviously offensive language or images or is larger than 25 cumulative square inches.

HB3391:

Associations must allow owners to install and use rain barrels if they meet architectural requirements such as color, size and type of shielding.