

## The 2015 Texas HOA Legislation Report (2/10/2015)

With only four weeks left before the expiration of the deadline to file bills for the 2015 Texas legislative session, there are only a few bills that have been filed to date concerning HOA laws. The following is a brief summary of such filed bills, as currently drafted.

Bill Number	Description of the Change in Law	Statutes Affected	Current Status
HB 748	HB 748 would restrict a property owners association from adopting or enforcing a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting a property owner from installing a liquid propane gas tank above ground on the owner's residential property if the tank is a size reasonably necessary to meet the gas requirements of the residence.	Adds § 202.019, Tex. Prop. Code	Introduced
HB 939	HB 939 would restrict a property owners association from adopting or enforcing a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting an owner from owning, operating, installing or maintaining a permanently installed standby electric generator. HB 939 defines a "standby electric generator" as a device that converts mechanical energy to electrical energy and is: (1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel or hydrogen; (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (4) rated for a generating capacity of not less than seven kilowatts.	Adds § 202.019, Tex. Prop. Code	Introduced
HB 971	HB 971 has multiple subparts. HB 971 would impose a fiduciary duty upon Directors of a condominium association governed by Chapter 81; restrict persons previously convicted of a felony or crime of moral turpitude from serving on a condominium association's board of directors; and require all directors and officers of Texas property owners' associations to read the dedicatory instruments and statutory laws applicable to their respective association upon taking office.	Adds § 81.2011, Tex. Prop. Code Amends § 82.103, Tex. Prop. Code Adds § 82.1031, Tex. Prop. Code Adds § 82.1032, Tex. Prop. Code Adds § 209.00595, Tex. Prop. Code	Introduced

This Summary of the 2015 Texas HOA legislation filed to date was prepared by Gregory S. Cagle, author of Texas Homeowners Association Law, 2nd Ed. and lead partner in the Master Planned Community & Condominium Practice Group of Savrick, Schumann, Johnson, McGarr, Kaminski & Shirley, LLP. This Summary provides a brief description of the bills filed to date during the 2015 Texas Legislative Session concerning Texas HOA laws, as currently drafted as of the date of the report. Such bills may or may not be enacted by the Texas Legislature and the language of such bills are subject to being amended during the legislative process. As such, this Summary should be used for general information purposes only. To stay abreast of the latest developments concerning proposed HOA legislation during the 2015 Texas Legislative Session, go to [www.TexasHOALaw.com](http://www.TexasHOALaw.com) or [www.TexasHOAManager.com](http://www.TexasHOAManager.com).

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HB 1072	HB 1072 would modify the current statute that restricts persons previously convicted of a felony or crime of moral turpitude from serving on a property owners' association's board of directors so as to only restrict such persons if such conviction was less than 20 years prior to the person's service on the board of directors.	Amends § 209.00591, Tex. Prop. Code	Introduced
HB 1178	HB 1178 would restrict a property owners association from adopting or enforcing a dedicatory instrument provision that requires a property owner to exclusively use a particular fuel on the owner's property or exclusively use fuel provided by a particular supplier on the owner's property; or that imposes a fee payable to any person for an owner to opt out of such a requirement.	Adds § 202.008, Tex. Prop. Code	Introduced

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