

The 2015 Texas HOA Legislation Report

(2/22/2015)

Bill Number	Description of the Change in Law	Statutes Affected	Current Status
HB 262	HB 262 would limit the liability of a property owner, such as a homeowners association, that allows its property to be used as a community garden. HB 262 defines a “community garden” as land gardened by a cooperative group of people residing in a neighborhood or community for the purpose of providing fresh produce for the benefit of the residents of the neighborhood or community.	Adds § 75.0025, Tex. Civ. Prac. & Rem. Code	Introduced
HB 745	HB 745 would authorize a property owners association, as defined by Chapter 204 of the Texas Property Code, to erect a solar-powered light-emitting diode (LED) stop sign on streets in its development with the consent of the governing body of the local government that maintains such streets.	Amends § 430.002, Tex. Transp. Code	Introduced
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

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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
HB 1335	HB 1335 would limited the amount of attorneys fees that a property owners association governed by Chapter 209 of the Texas Property Code could seek in a foreclosure proceeding (regardless of whether it is a judicial or non-judicial foreclosure) to the greater of: (1) ten percent of the amount of collectible assessments owed, as permitted by the statute of limitations; or (2) \$500.00.	Amends § 209.008, Tex. Prop. Code	Introduced
HB 1442	HB 1442 would restrict a property owners association from adopting or enforcing a dedicatory instrument provision that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or on adjacent property. HB 1442, however, would not apply to a provision designed to mitigate tree-borne disease as recommended by the Texas A&M Forest Service.	Adds § 202.013, Tex. Prop. Code	Introduced
HB 1455	HB 1455 would require a condominium association, before filing suit or initiating an arbitration proceeding to resolve a claim pertaining to the construction or design of a unit or the common elements, to: (1) have a licensed engineer perform an inspection and prepare a report concerning the subject unit(s) or common elements; and (2) obtain approval from unit owners holding at least 67 percent of the total votes in the condominium association at a special meeting called in accordance with the declaration or bylaws, as applicable.	Adds § 82.119, Tex. Prop. Code	Introduced

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HJR 55	HJR 55 is a proposed constitutional amendment that would restrict a homeowners' association from burdening in any way a person's free exercise of religion unless the burden is: (1) necessary to further a compelling quasi-governmental interest of the homeowners' association; and (2) the least restrictive means of furthering that interest. If enacted by the Texas legislature, such proposed constitutional amendment would then be submitted to a vote of Texas voters on November 3, 2015.	Amends § 6, Art. I, Tex. Const.	Introduced
SB 284	SB 284 would require property owners associations governed by Chapter 209 that file an expedited judicial proceeding for the purpose of foreclosing an assessment lien non-judicially to serve each person obligated to pay the debt secured by the assessment lien with a copy of the citation.	Amends § 17.031, Tex. Civ. Prac. & Rem. Code	Introduced

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