

By: Shaheen

H.B. No. 1970

A BILL TO BE ENTITLED

AN ACT

relating to property owners' association fines.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 209, Property Code, is amended by adding Section 209.0061 to read as follows:

Sec. 209.0061. ASSOCIATION POLICY; ASSESSMENT OF FINES.

(a) A property owners' association board shall adopt a policy regarding the enforcement of fines assessed by the property owners' association. The policy must disclose:

(1) each type of violation for which the board may assess a fine;

(2) the amount of the fine for each type of violation;
and

(3) pertinent information regarding hearings described by Section 209.007.

(b) The amount of a fine assessed by the property owners' association must be reasonable in the context of the nature and frequency of the violation and the effect of the violation on the subdivision as a whole.

(c) Each property owners' association shall:

(1) file a copy of the policy adopted under Subsection (a), and each subsequent amendment, with the county clerk of each county in which the subdivision is located; and

(2) provide a copy of the policy to an owner of each

1 property in the subdivision by:

2 (A) posting the policy on an Internet website
3 maintained by the property owners' association; or

4 (B) annually sending a copy of the policy,
5 separately or included in routine communication from the property
6 owners' association to property owners, by:

7 (i) hand-delivery to the owner;

8 (ii) first class mail to the owner's last
9 known mailing address; or

10 (iii) e-mail to an e-mail address provided
11 to the property owners' association by the owner.

12 SECTION 2. Section 209.0061, Property Code, as added by
13 this Act, applies only to a fine that becomes due on or after the
14 effective date of this Act. A fine that becomes due before the
15 effective date of this Act is governed by the law in effect
16 immediately before the effective date of this Act, and that law is
17 continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2021.