

By: Shaheen

H.B. No. 3857

A BILL TO BE ENTITLED

AN ACT

relating to requirements to file a property owners' association  
assessment lien.

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

SECTION 1. Section 209.0094, Property Code, is amended to  
read as follows:

Sec. 209.0094. ASSESSMENT LIEN FILING. (a) In this section,  
"assessment lien" means a [A] lien, lien affidavit, or other  
instrument evidencing the nonpayment of assessments or other  
charges owed to a property owners' association.

(b) An assessment lien [and] filed in the official public  
records of a county is a legal instrument affecting title to real  
property.

(c) Before a property owners' association files an  
assessment lien, the association must provide three separate  
monthly notices of delinquency by certified mail, return receipt  
requested, to the property owner's last known mailing address, as  
reflected in the records maintained by the association.

(d) A property owners' association may not file an  
assessment lien before the 180th day after the date the third notice  
of delinquency was sent to the property owner as required by  
Subsection (c).

SECTION 2. Section 209.0094, Property Code, as amended by  
this Act, applies only to an assessment that becomes delinquent on

1 or after the effective date of this Act. An assessment that becomes  
2 delinquent before the effective date of this Act is governed by the  
3 law in effect immediately before the effective date of this Act, and  
4 that law is continued in effect for that purpose.

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