

By: Shaheen

H.B. No. 614

Substitute the following for H.B. No. 614:

By: Hinojosa

C.S.H.B. No. 614

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; FINES. (a) This section does not apply to a property owners' association that is not authorized by the association's dedicatory instrument to levy a fine.

(b) A property owners' association board shall adopt an enforcement policy regarding the levying of fines by the property owners' association. The policy must include:

(1) general categories of restrictive covenants for which the association may assess fines;

(2) a schedule of fines for each category of violation; and

(3) information regarding hearings described by Section 209.007.

(c) The enforcement policy adopted pursuant to Subsection (b) may reserve the board's authority to levy a fine from the schedule of fines that varies on a case-by-case basis.

(d) Each property owners' association shall:

(1) provide a copy of the policy to an owner of each property in the subdivision by:

1           (A) posting the policy on an Internet website  
2 maintained by the property owners' association or an agent acting  
3 on behalf of the association and accessible to members of the  
4 association; or

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

8                   (i) hand delivery to the owner;

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

11                   (iii) e-mail to an e-mail address provided  
12 to the property owners' association by the owner; and

13           (2) make the policy available on any publicly  
14 accessible Internet website maintained by the property owners'  
15 association or an agent acting on behalf of the association.

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

22           SECTION 3. This Act takes effect January 1, 2024.