

1-1 By: Shaheen (Senate Sponsor - Springer) H.B. No. 614
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Local
 1-4 Government; May 22, 2023, reported favorably by the following
 1-5 vote: Yeas 7, Nays 1; May 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to property owners' association fines.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Chapter 209, Property Code, is amended by adding
 1-22 Section 209.0061 to read as follows:
 1-23 Sec. 209.0061. ASSOCIATION POLICY; FINES. (a) This
 1-24 section does not apply to a property owners' association that is not
 1-25 authorized by the association's dedicatory instrument to levy a
 1-26 fine.
 1-27 (b) A property owners' association board shall adopt an
 1-28 enforcement policy regarding the levying of fines by the property
 1-29 owners' association. The policy must include:
 1-30 (1) general categories of restrictive covenants for
 1-31 which the association may assess fines;
 1-32 (2) a schedule of fines for each category of
 1-33 violation; and
 1-34 (3) information regarding hearings described by
 1-35 Section 209.007.
 1-36 (c) The enforcement policy adopted pursuant to Subsection
 1-37 (b) may reserve the board's authority to levy a fine from the
 1-38 schedule of fines that varies on a case-by-case basis.
 1-39 (d) Each property owners' association shall:
 1-40 (1) provide a copy of the policy to an owner of each
 1-41 property in the subdivision by:
 1-42 (A) posting the policy on an Internet website
 1-43 maintained by the property owners' association or an agent acting
 1-44 on behalf of the association and accessible to members of the
 1-45 association; or
 1-46 (B) annually sending a copy of the policy,
 1-47 separately or included in routine communication from the property
 1-48 owners' association to property owners, by:
 1-49 (i) hand delivery to the owner;
 1-50 (ii) first class mail to the owner's last
 1-51 known mailing address; or
 1-52 (iii) e-mail to an e-mail address provided
 1-53 to the property owners' association by the owner; and
 1-54 (2) make the policy available on any publicly
 1-55 accessible Internet website maintained by the property owners'
 1-56 association or an agent acting on behalf of the association.
 1-57 SECTION 2. Section 209.0061, Property Code, as added by
 1-58 this Act, applies only to a fine that becomes due on or after the
 1-59 effective date of this Act. A fine that becomes due before the
 1-60 effective date of this Act is governed by the law in effect
 1-61 immediately before the effective date of this Act, and that law is

2-1 continued in effect for that purpose.

2-2 SECTION 3. This Act takes effect January 1, 2024.

2-3 * * * * *