

By: Shaheen

H.B. No. 886

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 lien
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 notices of
delinquency in accordance with Subsections (d) and (e).

(d) The first notice of delinquency must be provided:

(1) by first class mail to the property owner's last
known mailing address, as reflected in records maintained by the
association; or

(2) by e-mail to an e-mail address the property owner
has provided to the property owners' association.

(e) The second notice of delinquency must be provided by
certified mail, return receipt requested, to the property owner's

1 last known mailing address, as reflected in the records maintained
2 by the association, not earlier than the 30th day after notice is
3 given under Subsection (d).

4 (f) A property owners' association may not file an
5 assessment lien before the 90th day after the date notice of
6 delinquency was sent to the property owner under Subsection (e).

7 (g) Subsections (c), (d), and (e) do not apply to a property
8 owners' association providing a property owner covered by the
9 Servicemembers Civil Relief Act (50 U.S.C. Section 3901 et seq.)
10 the protections to which the owner is entitled under the Act.

11 SECTION 2. Section [209.0094](#), Property Code, as amended by
12 this Act, applies only to an assessment that becomes delinquent on
13 or after the effective date of this Act. An assessment that becomes
14 delinquent before the effective date of this Act is governed by the
15 law in effect immediately before the effective date of this Act, and
16 that law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2023.