

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
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, 2023.