

1-1 By: Shaheen (Senate Sponsor - Springer) H.B. No. 886
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 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 8, Nays 0; 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 requirements to file a property owners' association
 1-20 assessment lien.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 209.0094, Property Code, is amended to
 1-23 read as follows:

1-24 Sec. 209.0094. ASSESSMENT LIEN FILING. (a) In this section,
 1-25 "assessment lien" means a [A] lien, lien affidavit, or other lien
 1-26 instrument evidencing the nonpayment of assessments or other
 1-27 charges owed to a property owners' association.

1-28 (b) An assessment lien [and] filed in the official public
 1-29 records of a county is a legal instrument affecting title to real
 1-30 property.

1-31 (c) Before a property owners' association files an
 1-32 assessment lien, the association must provide notices of
 1-33 delinquency in accordance with Subsections (d) and (e).

1-34 (d) The first notice of delinquency must be provided:

1-35 (1) by first class mail to the property owner's last
 1-36 known mailing address, as reflected in records maintained by the
 1-37 association; or

1-38 (2) by e-mail to an e-mail address the property owner
 1-39 has provided to the property owners' association.

1-40 (e) The second notice of delinquency must be provided by
 1-41 certified mail, return receipt requested, to the property owner's
 1-42 last known mailing address, as reflected in the records maintained
 1-43 by the association, not earlier than the 30th day after notice is
 1-44 given under Subsection (d).

1-45 (f) A property owners' association may not file an
 1-46 assessment lien before the 90th day after the date notice of
 1-47 delinquency was sent to the property owner under Subsection (e).

1-48 (g) Subsections (c), (d), and (e) do not apply to a property
 1-49 owners' association providing a property owner covered by the
 1-50 Servicemembers Civil Relief Act (50 U.S.C. Section 3901 et seq.)
 1-51 the protections to which the owner is entitled under the Act.

1-52 SECTION 2. Section 209.0094, Property Code, as amended by
 1-53 this Act, applies only to an assessment that becomes delinquent on
 1-54 or after the effective date of this Act. An assessment that becomes
 1-55 delinquent before the effective date of this Act is governed by the
 1-56 law in effect immediately before the effective date of this Act, and
 1-57 that law is continued in effect for that purpose.

1-58 SECTION 3. This Act takes effect September 1, 2023.

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