

By: Shaheen

H.B. No. 1970

Substitute the following for H.B. No. 1970:

By: Turner of Tarrant

C.S.H.B. No. 1970

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) 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) each category of restrictive covenants for which the association may assess a reasonable fine, including:

(A) property maintenance and repair;

(B) individual misconduct; and

(C) matters affecting health and safety;

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

(3) information regarding hearings described by Section 209.007.

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

(c) Each property owners' association shall:

(1) file a copy of the enforcement policy adopted under Subsection (a), and each subsequent amendment, with the

1 county clerk of each county in which the subdivision is located;

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

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

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

11 (i) hand-delivery to the owner;

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

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

16 (3) make the policy available on any publicly
17 accessible Internet website maintained by the property owners'
18 association or an agent acting on behalf of the association.

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

25 SECTION 3. This Act takes effect January 1, 2022.