



LAWS TAKING IMMEDIATE EFFECT

BILL NAME	POA AFFECTED	ACTION ITEM
SB 581 - Religious Displays	Single-Family and Condominiums	Amends Sec. 202.018 of the Texas Property Code (TPC) Adopt or amend Religious Display Policy
HB 3571 - Regulation of Security Measures by a POA	Single-Family	Adds Sec. 202.023 to the TPC. Adopt Security Measures Policy to address architectural application process and requirements.

LAWS TAKING EFFECT SEPTEMBER 1, 2021

SB30 - Removal of certain discriminatory restrictions and provisions from certain real property records	Single- Family	Adds Sec. 5.0261 to the TPC. For older communities, consult with counsel as to any discriminatory provisions in deed restrictions for possible amendment.
HB 1659 – The amendment of a residential subdivision’s declaration to affect certain types of property located in the subdivision.	Single-Family	Amends Sec. 209.0041 of the TPC. For master planned communities with commercial, condominium, industrial or apartment complexes as a sub-association, consult with counsel for new amendment requirements.
HB 1281 – The operation of a golf cart without a license plate in a master planned community	Single-Family and some Condominiums	Amends Sec. 551.403 of the Texas Transportation Code. As applicable, adopt or amend a Golf Cart Policy specifying where the golf cart can be driven and the speed at which they can be driven.
SB 318 – Records for certain Condominium unit owners’ associations.	Condominiums	Amends Sec. 82.114(b) of the TPC. Adopt required Open Records Production Policy and Records Retention Policy .
HB 1927 – Constitutional Carry	Single-Family and Condominiums	For those communities restricting gun carry, consult with counsel to ensure compliance with Texas Penal Code Sections 30.06 and 30.07.
SB 6 – Liability for certain claims arising during a pandemic or disaster related to a pandemic.	Single-Family and Condominiums	Adds Chapter 148 to the Civil Practice and Remedies Code. Adopt Pandemic Policy to ensure compliance with Section 148.003 of the Texas Civil Practice & Remedies Code.

SB 1588 - RELATING TO THE POWERS AND DUTIES OF PROPERTY OWNERS ASSOCIATIONS

SECTION NAME	POA AFFECTED	EFFECTIVE DATE	ACTION ITEM
Section 1 - Collection of Assessments	Single-Family and Condominiums	September 1, 2021	Amends Sec. 202.006 of the TPC. Ensure the association has a collections policy and dedicatory instrument filed in the real property records.
Section 2 - Religious Displays	Single-Family and Condominiums	September 1, 2021	Amends Sec. 202.018(a) of the TPC. Adopt or amend Religious Display Policy .
Section 3 - Swimming Pool Enclosures	Single-Family and condominiums	September 1, 2021	Adds Sec. 202.022 to the TPC. Cease enforcing existing provision prohibiting enclosure. Adopt provision related to appearance of enclosure. Cannot prohibit black enclosure consisting of transparent mesh set in metal frames.
Section 4 - Security Measures	Single-Family	September 1, 2021	Adds Sec. 202.023 to the TPC. Adopt Security Measures Policy to address architectural application process and requirements.
Section 6 - Resale Certificates	Single-Family	September 1, 2021	Amends Sec. 207.003(c) of the TPC. A Modify policy to reflect change from 7-day delivery upon second request of owner to 5 day delivery upon second request of owner and update fees to comply with \$375 and \$75 caps, if fees are over that number.
Section 8 - Online Subdivision Information	Single-Family	September 1, 2021	Amends Sec. 207.006 of the TPC. If the POA does not already have a website, create a website to host the current version of the dedicatory instrument.
Section 9 - Management Company Definition	Single-Family	September 1, 2021	Amends definition of "Management Company" under Sec. 209.002 of the TPC. No action necessary.
Section 10 - TREC Filings	Single-Family	Management certificates filed before December 1, 2021 must be filed with TREC by June 1, 2022	Amends Sec.209.004 of the TPC. Modify management certificates to include declaration amendments, the phone number and email address for the managing agent or representative, website information and amount and description of transfer fees. Develop procedure to ensure certificates are filed with TREC electronically no later than 7 days after POA files certificate.
Section 11 - ACC Members	Single-Family	September 1, 2021	Ensure a current board member, their spouse, or someone residing in a board member's residence is not on the ACC committee.
Section 12 - Board Meetings	Single-Family	September 1, 2021	Amends Sec. 209.0051 of the TPC. Update procedures to ensure notice is sent to owners 144 hours before board meeting and 72 hours before a special meeting. All budget items must now be voted on in an open board meeting.
Section 13 - Contract for Services	Single-Family	September 1, 2021	Amends Sec. 209.0052 of the TPC. For services over \$50,000, the POA must now solicit bids or proposals using a bid process established by the POA. Consult with legal counsel on the types of services and terms of contracts this would include.
Section 14 - 209 Enforcement Action Notice	Single-Family	September 1, 2021	Amends Sec. 209.006(a) of the TPC. Send 209 notice to owner prior to reporting a delinquency to a credit reporting service.
Section 16 - 209 Assessment Delinquency Notice	Single-Family	September 1, 2021	Update procedures to ensure 209 notice gives owner 45 days to cure delinquency, not 30 days, before collection action is taken.
Section 17 - Credit Reporting Services	Single-Family	September 1, 2021	Update collections policies to only report fines, fees, or assessments to a credit reporting service if: a notice was provided to the owner 30 days prior to reporting and the owner was offered a payment plan.
Section 18 - 209 Hearings	Single-Family	September 1, 2021	Amends Sec. 209.007 of the TPC. Update 209 Hearing Policy to ensure owner receives packet of evidence the POA will be presenting 10 days prior to the hearing. Consult with the POA's legal counsel on what evidence should be included.
Section 20 - Lease Information	Single-Family	September 1, 2021	Amends Sec. 209.016 of the TPC. Update leasing policies of association to ensure appropriate information is being collected.
Section 21 JP Court Jurisdiction	Single-Family	September 1, 2021	Amends Sec. 209.017 of the TPC. Consult with counsel on how to prepare for violation hearings.