



2021 Legislation Affecting Community Associations

EFFECTIVE IMMEDIATELY

SUBJECT MATTER	ENTITY	WHAT TO DO
Religious Displays	Single-Family and Condo	Amends TPC 202.018 to remove restrictions on size and location of display. ADOPT OR AMEND Religious Display Policy.
Security Devices	Single-Family and Condo	Adds TPC 202.023 to allow cameras, lights and perimeter fences. ADOPT Security Measures Policy to address architectural application process and requirements for motion detectors, cameras and, fences.

EFFECTIVE SEPTEMBER 1, 2021

Remove certain discriminatory restrictions and provisions	Single-Family	Adds TPC Sec. 5.0261. Discriminatory provisions may be removed declaration.
Golf Cart Operation	Single-Family and some Condo	Amends Texas Transportation Code Sec. 551.403to allow golf cart operation on streets. ADOPT OR AMEND a Golf Cart Policy.
Constitutional Carry	Single-Family and Condo	REVIEW declaration and policies to ensure compliance with Texas Penal Code Sections 30.06 and 30.07 and Property Code 202.21.
Pandemic Liability	Single-Family and Condo	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.
Condominium Records	Condo	Adds TPC Sec. 82.1141. Owners have access to certain records. Certain records must be retained for certain periods. CREATE Records Production Policy and Records Retention Policy.
Swimming Pool Enclosures	Single-Family and Condo	Adds TPC Sec. 202.022. ADOPT provision related to appearance of enclosure. Cannot prohibit enclosure consisting of transparent mesh set in black metal frames.

Resale Certificates	Single-Family	Amends TPC Sec. 207.003(c). MODIFY certificate policy to reflect change from 7-day delivery upon second request of owner to 5 business day delivery upon second request of owner. Fees capped at \$375 and \$75.
Subdivision Website	Single-Family	Amends TPC Sec. 207.006. CREATE/MODIFY website to host the current version of the dedicatory instruments.
Management Company Definition	Single-Family	Adds TPC Sec. 209.002 (5-a). Defines of “Management Company”. No action necessary.
Management Certificates	Single-Family	Amends TPC Sec. 209.004. UPDATE management certificates to identify declaration amendments, the phone number and email address for the managing agent or representative, website information and amount and description of transfer fees. Must file certificates with Texas Real Estate Commission (TREC) no later than 7 days after association files certificate. TREC will establish online portal no later than 12/1/21.
Amendment of a residential subdivision’s declaration affecting certain types of property	Single-Family	Amends TPC Sec. 209.0041. For master planned communities with commercial, condominium, industrial or apartment complexes as a sub-association, consult with counsel for new amendment requirements.
ACC	Single-Family	Adds TPC sec. 209.00505. Current board members, their spouses, or someone residing in a board member’s residence may not serve on ACC committee. Establishes appeal procedure. Board has power to review ACC. CREATE policy regarding ACC qualifications and appeal procedure.
Board Meetings	Single- Family	Amends TPC Sec. 209.0051. If board meeting notices sent electronically, UPDATE procedures to ensure notice is sent to owners 144 hours before regular board meeting and 72 hours before a special meeting. All budget approvals must now be voted on in an open board meeting.
Contract for Services	Single-Family	Amends TPC Sec. 209.0052. For services over \$50,000, the association must now solicit bids or proposals using an established bid process. Consult counsel regarding covered services and terms of contracts. CREATE Contract Bid Policy.
Credit Reporting	Single-Family	Amends TPC Sec. 209.006(a). Must send 209 notice to owner prior to reporting a delinquency to a credit reporting service. Adds TPC Sec. 209.0065. UPDATE collections policies if accounts are reported to credit reporting service. Only report undisputed fines, fees, or assessments to a credit reporting service after a notice was provided to the owner 30 days prior to reporting and the owner was offered a payment plan. Can’t charge fee for reporting.

Fees, costs and fines	Single-Family	Amends TPC 209.0063(a) to specify that attorney's fees, costs and fines must be reasonable. AMEND Payment or Collection Policy to reflect change.
Time to Cure Delinquency	Single-Family	Amends TPC 209.0064 (b). UPDATE procedures and policies to ensure 209 notice gives owner 45 days to cure delinquency before collection action is taken.
Violation Hearings	Single-Family	Amends TPC Sec. 209.007. UPDATE hearing policy or procedures to ensure owner receives packet of evidence the POA will be presenting 10 days prior to the hearing and procedures for hearing. Consult counsel on what to include in evidence package.
JP Court Jurisdiction	Single-Family	Adds TPC Sec. 209.017 to allow owners to bring suit against association for a violation of TPC Ch. 209. Consult counsel prior to hearings.