



CAI Texas/TCAA LEGISLATIVE SESSION UPDATE

TCAA Minute – April 26, 2021

Community Association Legislation

The CAI-TCAA continues to monitor bills at the Texas capitol that would impact community associations, with a focus on bills that could do damage to homeowners and neighborhoods in Texas.

The most problematic legislation right now is HB 3367 (Turner) and the identical SB 1588 (Hughes), which are broad bills that make substantial and ill-advised changes to multiple provisions of the Texas Property Code relevant to property owners' associations. CAI-TCAA has serious concerns that the bills in their current form will increase liability for association volunteers, raise costs for homeowners, and greatly increase unwanted intervention by attorneys and government officials.

Proposed changes include restricted service on association committees, increased fees for resale certificates, new requirements for association websites and publicly available documents, new requirements for management certificates and liens, and more regulation of association hearings. HB 3367 and SB 1588 have both been approved by legislative committees and are now on the verge of debate by the full House and Senate.

Please contact your local legislators and state leadership to express your opposition to this legislation.

Other bills of note include:

HB 1686 (Cortez) allows a person, at their home, to raise or keep fowls and rabbits; to grow fruits and vegetables; and to engage in some "cottage food" production. Municipalities and property owners associations would be able to adopt and enforce reasonable restrictions and requirements but cannot have the effect of prohibiting the raising or keeping of fowls or rabbits. The bill has been approved by the House Agriculture & Livestock Committee and sent to the Calendars Committee.

HB 3571 (Bonnen) would make it unlawful for property owners' associations to prohibit an owner from installing a "security measure," including a security camera, a motion detector, or perimeter fence. It would, however, allow the association to regulate the type of fencing that is installed. This bill was voted out of committee last week, but CAI-TCAA is still working to ensure that there are no unintended consequences from this legislation. The bill has been approved by the House Business & Industry Committee and sent to the House Local & Consent Calendar.

Texas House Adopts Its Version of State Budget

The Texas House last week approved its version of the state budget after debating the bill for almost 12 hours and sifting through 245 proposed floor amendments. Many of those amendments seemed ripe for

contentious floor debate, including amendments related to critical race theory, immigration, and abortion, but most were withdrawn without comment or were quickly defeated by a procedural point of order.

Notable votes included rejection of an amendment that directed the governor and state health officials to use federal dollars to expand health care coverage for uninsured Texans, a cap of \$500 on the hourly rate that the Attorney General can pay to outside legal counsel, and support for an amendment prohibiting the use of state money for school voucher programs.

The House budget spends \$18 billion less than the budget passed in 2019, including \$8.5 billion less for Health and Human Services and a \$3.4 billion cut to Natural Resources, though Education spending increases by \$2.2 billion. Like the Senate version of the budget, the House budget does not include any of the \$38.6 billion in federal relief money that Texas is expected to receive in the coming months. Lawmakers are still debating how best to deal with those federal dollars if they arrive while lawmakers are not convened in a legislative session. A conference committee consisting of five House appointees and five Senate appointees will now negotiate a final version of the state budget.

Get Involved

CAI and TCAA hope to hear from you about the issues of concern to you and your neighbors, and we also encourage you to share your support of community associations with your local legislators.

Find out who represents you at the Texas capitol: <https://wrm.capitol.texas.gov/home>

Contact members of the House Business & Industry Committee to express your support for POAs: <https://house.texas.gov/committees/committee/?committee=C040>

For more information on the Texas Legislature and updates on our activities and events, please visit caionline.org/txlac and txcaa.org

To make a contribution [CLICK HERE](#).