



CAI Texas/TCAA LEGISLATIVE SESSION UPDATE

TCAA Minute – April 5, 2021

Community Association Legislation

After taking a long weekend break for the Easter holiday, the Texas Legislature will increase the pace of activities when they return Tuesday, including House floor debate on a Friday for the first time this session. The CAI-TCAA team is following all of the bills that have the potential to impact community associations, including more than a dozen bills being heard by the House Business & Industry Committee on Tuesday, and several more by the House Judiciary & Civil Jurisprudence. Bills of note include:

HB 1467 (Jetton) permits an annual meeting of a property owners' association to be held via electronic or telephonic means if each attendee may hear and be heard by everyone attending, and the notice sent to members includes instructions to access any communication method required to attend the meeting remotely.

HB 1970 (Shaheen) requires property owners associations to promulgate policies related to fines. The bill would require the adoption of a policy regarding the enforcement of fines that must disclose each type of violation for which a fine may be assessed, the amount of the fine for each type of violation, and pertinent information regarding certain hearings. According to the bill, the fines assessed must be "reasonable." The bill also requires a copy of the policies to be publicly recorded in the county property records and provided to each owner.

HB 2447 (Davis) provides a mechanism by which owners can petition a property owners' association to call a special meeting for the purpose of holding a recall election for a board member. The petition must be signed by at least 20% of owners holding voting interests in the community and sent by certified mail to the registered agent for the association. The special meeting must be held within 90 days after the date the association receives the petition. If a majority of votes received in a recall election are in favor of recalling the board member, the member's position on the board is immediately vacated and the board shall fill the vacancy. The bill also allows an owner to file suit in JP court for an association's failure to follow this recall procedure.

HB 3367 (Turner) is a broad bill that changes multiple provisions of the Texas Property Code relevant to property owners' associations. Impacted provisions relate to permissible service on an architectural control committee, fees for resale certificates, requirements for association websites and governing documents to be open and available to the public, filing of management certificates with the county and the Texas Real Estate Commission, collection of assessments, and required hearings before a board where fees are disputed.

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 any fencing that is installed.

Texas Launches COVID-19 Vaccine Website

Texas has opened the Texas Public Health Vaccine Scheduler website, where Texans aged 16 and older can create a profile to place themselves on a statewide wait list for the vaccine. A day after individuals enter their personal information and preferred appointment times, the state will match them with the next available appointment in their home county. If no appointments are available, the website will keep the user's information on file until the next opportunity arises. Users can also choose to call a toll-free number from 7 a.m. to 7 p.m., seven days a week to get their name on the list: 1-833-832-7067.

President Biden Unveils \$2 Trillion National Infrastructure Investment Plan

President Joe Biden this week unveiled The American Jobs Plan, a \$2 trillion infrastructure proposal that he says would deliver a "once-in-a-generation investment" in the United States. The plan includes hundreds of billions for what are traditionally considered infrastructure projects, including roads and bridges (\$115 billion), electric vehicles and charging stations (\$174 billion), high-speed broadband (\$100 billion), power grid and clean energy improvements (\$100 billion), and public transit (\$85 billion). In Texas, the money could be used to fund projects such as the Ike Dike coastal barrier, broadband expansion in rural areas, and electric grid winterization.

In addition to its focus on renewable energy, the plan also directs a significant amount of money to underserved communities, including \$400 billion to expand access to home- or community-based care for the elderly and people with disabilities, \$213 billion in funding for affordable housing, \$100 billion in workforce development programs, and \$20 billion to reconnect urban neighborhoods cut off by highways. The President's proposal would be paid for with tax increases on corporations, raising the main corporate tax rate from 21% to 28% and generating \$2 trillion over 15 years.

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. 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](#).