



CAI Texas/TCAA LEGISLATIVE SESSION UPDATE

TCAA Minute – May 4, 2021

Community Association Legislation

As we enter the final month of the Texas legislative session, the CAI-TCAA team continues to work with legislators and track bills at the Texas capitol, looking for legislation that might negatively impact community associations.

The most problematic legislation continues to be HB 3367 (Turner) and the identical SB 1588 (Hughes), which are overly broad bills that make substantial and ill-advised changes to multiple provisions of the Texas Property Code relevant to property owners' associations. 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.

Despite the efforts of a number of helpful legislators fighting for communities and neighborhoods in Texas, the legislation is being pushed by the powerful Texas Association of Realtors, which is backed by a large team of lobbyists and a well-funded Political Action Committee that spends millions of dollars across the state.

CAI-TCAA has serious concerns that HB 3367 and SB 1588 will increase liability for association volunteers, raise costs for homeowners, and greatly increase unwanted intervention by attorneys and government officials. Please contact your local legislators and state leadership to express your opposition to this legislation.

Other important bills moving through the legislative process include:

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 and is headed to the Senate.

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 is pending in the Calendars Committee, awaiting House floor debate.

Latest Census Count Adds Two Texas Congressional Seats

The 2020 U.S. census puts Texas' population at 29,145,505 — up from 25.1 million in 2010. Because of its fast-growing population, the state's share of votes in the U.S. House of Representatives will increase from 36 to 38 for the next decade.

The state's congressional delegation currently consists of 22 Republicans and 13 Democrats, with one vacant seat after the recent death of Republican Ron Wright. Once the official numbers are delivered to the states, the Texas Legislature will redraw the state congressional map and state house map based on the new census data.

Texas will remain in second place behind California for the largest congressional delegation and share of Electoral College votes, though California is losing a congressional seat after the most recent census. The other states losing seats are Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Florida, Colorado, Montana, North Carolina, and Oregon will each gain one seat.

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](#).