

AN ACT

relating to property owners' associations, including condominium owners' associations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 82.003(a), Property Code, is amended by adding Subdivision (17-a) to read as follows:

(17-a) "Management company" means a person or entity established or contracted to provide management or administrative services on behalf of a unit owners' association organized under Section 82.101.

SECTION 2. Subchapter C, Chapter 82, Property Code, is amended by adding Section 82.1142 to read as follows:

Sec. 82.1142. ONLINE ASSOCIATION INFORMATION REQUIRED. (a) This section only applies to:

(1) the association of a condominium composed of at least 60 units; or

(2) an association that has contracted with a management company.

(b) An association to which this section applies shall make the current version of the association's dedicatory instruments relating to the association and filed in the county deed records available on an Internet website that is:

(1) maintained by the association or a management company on behalf of the association; and

1           (2) accessible to association members.

2           SECTION 3. Section 82.116, Property Code, is amended by  
3 amending Subsections (a), (b), and (c) and adding Subsections (b-1)  
4 and (d) to read as follows:

5           (a) An association shall record in each county in which any  
6 portion of the condominium is located a management certificate,  
7 signed and acknowledged by an officer of the association, stating:

8                 (1) the name of the condominium;

9                 (2) the name of the association;

10                (3) the location of the condominium;

11                (4) the recording data for the declaration and any  
12 amendments to the declaration;

13                (5) the mailing address of the association; ~~or~~

14                (6) the name, ~~and~~ mailing address, telephone number,  
15 and e-mail address of any management company ~~[the person or entity~~  
16 managing the association];

17                (7) the website address of any Internet website on  
18 which the association's dedicatory instruments are available in  
19 accordance with Section 82.1142;

20                (8) the amount and description of a fee or fees charged  
21 to a unit seller or buyer relating to a transfer of a property  
22 interest in a unit of the condominium; and

23                (9) ~~(6)~~ other information the association considers  
24 appropriate.

25           (b) The association shall record an amended ~~a~~ management  
26 certificate not later than the 30th day after the date the  
27 association has notice of a change in any information in a recorded

1 certificate required by Subsection (a) [~~Subdivisions (a)(1)-(5)~~].

2 (b-1) Not later than the seventh day after the date an  
3 association files a management certificate for recording under  
4 Subsection (a) or files an amended management certificate for  
5 recording under Subsection (b), the association shall  
6 electronically file the management certificate or amended  
7 management certificate with the Texas Real Estate Commission. The  
8 Texas Real Estate Commission shall only collect the management  
9 certificate and amended management certificate for the purpose of  
10 making the data accessible to the public through an Internet  
11 website.

12 (c) Except as provided by Subsection (d), the [The]  
13 association and its officers, directors, employees, and agents are  
14 not subject to liability to any person for delay or failure to  
15 record a management certificate with a county clerk's office or to  
16 electronically file the management certificate with the Texas Real  
17 Estate Commission, unless the delay or failure is wilful or caused  
18 by gross negligence.

19 (d) A unit owner is not liable for attorney's fees incurred  
20 by an association relating to the collection of a delinquent  
21 assessment against the unit owner, or interest on the delinquent  
22 assessment, if the attorney's fees are incurred by the association  
23 or the interest accrues during the period a management certificate  
24 is not recorded with a county clerk or electronically filed with the  
25 Texas Real Estate Commission, as required by this section.

26 SECTION 4. Section 82.157, Property Code, is amended by  
27 adding Subsection (f) to read as follows:

1       (f) An association may charge a reasonable and necessary  
2 fee, not to exceed \$375, to furnish a resale certificate under  
3 Subsection (a).

4       SECTION 5. Section 202.023, Property Code, is amended by  
5 amending Subsection (c) and adding Subsections (d) and (e) to read  
6 as follows:

7       (c) This section does not prohibit a property owners'  
8 association from:

9           (1) prohibiting the installation of a security camera  
10 by a property owner in a place other than the property owner's  
11 private property; ~~or~~

12           (2) regulating the type of fencing that a property  
13 owner may install;

14           (3) prohibiting the placement of fencing that  
15 obstructs:

16                   (A) a license area, as defined by a written  
17 license agreement or plat;

18                   (B) a sidewalk in the public right-of-way or  
19 otherwise installed for public or community use; or

20                   (C) a drainage easement or drainage area;

21           (4) requiring a driveway gate to be set back at least  
22 10 feet from the right-of-way if the driveway intersects with a  
23 laned roadway, as defined by Section 541.302, Transportation Code;  
24 or

25           (5) if provided by a restrictive covenant, prohibiting  
26 the installation of fencing in front of the front-most building  
27 line of a dwelling.

1        (d) Notwithstanding Subsection (c), a property owner may  
2 maintain any perimeter fencing or fencing in front of a dwelling's  
3 front-most building line installed or constructed before September  
4 1, 2023.

5        (e) Notwithstanding Subsection (c)(5), an association may  
6 not prohibit a property owner from installing perimeter fencing or  
7 fencing in front of the front-most building line of a dwelling if:

8            (1) the property owner's residential address is exempt  
9 from public disclosure under state or federal law; or

10           (2) the property owner provides to the association  
11 documentation from a law enforcement agency of the property owner's  
12 need for enhanced security measures.

13        SECTION 6. Section 209.00505(c), Property Code, is  
14 redesignated as Section 209.00506, Property Code, and amended to  
15 read as follows:

16        Sec. 209.00506. ELIGIBILITY TO SERVE ON ARCHITECTURAL  
17 REVIEW AUTHORITY. (a) This section applies only to an  
18 architectural review authority to which Section 209.00505 applies.

19           (b) Except as provided by Subsection (d), a person may not  
20 be appointed or elected to serve on an architectural review  
21 authority unless the person timely notifies the association of the  
22 person's interest in serving on the authority in accordance with  
23 Section 209.00507.

24           (c) Except as provided by Subsection (d), a [A] person may  
25 not be appointed or elected to serve on an architectural review  
26 authority if the person is:

27            (1) a current board member;

1 (2) a current board member's spouse; or

2 (3) a person residing in a current board member's  
3 household.

4 (d) If a vacancy remains on the architectural review  
5 authority after each person eligible under Subsection (c) who  
6 timely notifies the association in accordance with Section  
7 209.00507 is appointed or elected to the authority, the association  
8 may appoint any person to fill the vacancy, including a person not  
9 otherwise eligible under Subsection (c).

10 SECTION 7. Chapter 209, Property Code, is amended by adding  
11 Section 209.00507 to read as follows:

12 Sec. 209.00507. SOLICITATION OF CANDIDATES FOR  
13 ARCHITECTURAL REVIEW AUTHORITY. (a) This section applies only to  
14 an architectural review authority to which Section 209.00505  
15 applies.

16 (b) Not later than the 10th day before the date a property  
17 owners' association or board takes action to elect or appoint or  
18 meets to elect or appoint a person to serve on the architectural  
19 review authority, the association must provide notice to the  
20 association members soliciting persons interested in serving on the  
21 architectural review authority.

22 (c) The notice required under Subsection (b) must:

23 (1) be provided:

24 (A) by mail to each owner; or

25 (B) by:

26 (i) posting the notice in a conspicuous  
27 manner reasonably designed to provide notice to association

1 members:

2 (a) in a place located on the  
3 association's common property or, with the property owner's  
4 consent, on other conspicuously located privately owned property  
5 within the subdivision; or

6 (b) on any Internet website  
7 maintained by the association or other Internet media; and

8 (ii) sending the notice by e-mail to each  
9 owner who has registered an e-mail address with the association;  
10 and

11 (2) contain instructions for a person to notify the  
12 association of the person's interest in serving on the  
13 architectural review authority, including the date by which the  
14 person's notification must be received by the association.

15 (d) The date established by an association under Subsection  
16 (c)(2) by which notification of a person's interest in serving on  
17 the architectural review authority must be received by the  
18 association may not be a date earlier than the 10th day after the  
19 date the association provides the notice described by Subsection  
20 (c).

21 SECTION 8. A condominium unit owners' association that has  
22 recorded a management certificate or amended management  
23 certificate with a county clerk under Section 82.116, Property  
24 Code, before the effective date of this Act shall electronically  
25 file the most recently recorded management certificate or amended  
26 management certificate with the Texas Real Estate Commission as  
27 required by Section 82.116(b-1), Property Code, as added by this

1 Act, not later than March 1, 2024.

2 SECTION 9. This Act takes effect September 1, 2023.



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1668 passed the Senate on May 3, 2023, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 25, 2023, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1668 passed the House, with amendment, on May 23, 2023, by the following vote: Yeas 144, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor