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### 2025 TEXAS HOA LAW LEGISLATIVE UPDATE

On June 2, 2025, the Texas Legislature concluded the 2025 legislative session. Although there were a significant number of bills filed that could have had a dramatic effect on the laws governing Texas homeowners associations, similar to the last few legislative session, only a few bills were ultimately enacted by the 2025 Texas Legislature. The most significant of the enacted bills is Senate Bill 711, an omnibus bill that adds or modifies 7 separate sections within 3 different chapters of the Texas Property Code (and which is substantially identical to Senate Bill 1668 from the 2023 legislative session that was vetoed by Governor Abbott after passing both legislative chambers). The new and modified statutory laws enacted by the 2025 Texas Legislature are summarized as follows:

#### **HOUSE BILL 431 – Protection of Solar Roof Tiles**

House Bill 431 modifies Section 202.010 of the Texas Property, which restricts the enforcement of restrictive covenants that prohibit the installation of solar energy devices (i.e., solar panels), by including within the definition of solar energy devices solar roof tiles. This bill takes effect on September 1, 2025.

#### **HOUSE BILL 517 – Protection of Homeowners from Fines for Not Watering Lawns During Mandatory Watering Restrictions**

House Bill 517 adds Section 202.008 to Chapter 202 of the Texas Property Code, which restricts a homeowners association from assessing a fine against a property owner for a violation of an applicable restrictive covenant that requires the owner to plant or install grass or turf, maintain green vegetation or turf, or prohibits discolored or brown vegetation or turf on the property during a time period when the owner's property is subject to a residential watering restriction mandated by a municipality, water utility, or other wholesale or retail water supplier as part of a strategy to conserve water during a period of drought, and before the 60th day after the date such residential watering restriction is lifted. This bill takes effect on September 1, 2025.

#### **HOUSE BILL 621 – Use of Common Areas for Political Gatherings**

House Bill 621 adds Section 202.013 to Chapter 202 of the Texas Property Code, which prohibits all homeowners associations from adopting or enforcing a

provision in a dedicatory instrument that prohibits or has the effect of prohibiting a property owner or resident from inviting governmental officials and candidates who have been qualified in the appropriate election to run for public governmental office to address or meet with homeowners association members, residents, or their invitees in common areas of the homeowners association. Notwithstanding, a homeowners association may require such gatherings to abide by the same provisions of a dedicatory instrument that apply to any other gathering held in a common area of the homeowners association, including a provision: (1) requiring a room rental fee or deposit; (2) limiting the maximum occupancy of the common area where the meeting is to be held; (3) establishing hours during which a meeting may be held in the common area; (4) specifying the common areas of the homeowners association that are available to the association members for meetings; or (5) requiring a written reservation or rental agreement. In addition, Section 202.013 does not apply to a common area of a homeowners association that is (1) not made available for meetings due to designated seasonal use; or (2) not made available for meetings other than meetings of the homeowners association's membership, its board of directors, a committee of the homeowners association, or a committee of the board of directors. This bill takes effect on September 1, 2025.

### **SENATE BILL 711 – The Omnibus Bill**

Senate Bill 711 has 7 separate sections that add or modify statutory provisions in Chapters 82, 202 and 209 of the Texas Property Code. Due to the broad scope of Senate Bill 711, it shall be summarized in separate sub-parts by topic.

Senate Bill 711 adds Section 82.1142 to Chapter 82 of the Texas Property Code (aka, the Texas Uniform Condominium Act), which only applies to condominium associations with at least 60 units or that is managed by a management company. New Section 82.1142 now requires such applicable condominium associations to maintain an internet website and to publish its Dedicatory Instruments on such internet website. This provision takes effect on September 1, 2025.

Senate Bill 711 amends Section 82.116 of the Texas Property Code, which governs the filing of a management certificate by a condominium association. As amended, Section 82.116 now requires the management certificate to identify the recording data for the governing Declarations and all amendments thereto, the mailing address, telephone and email address for the person managing the condominium association, the website address for the internet website on which the condominium association's Dedicatory Instruments are published, and the amount and description of any fees charged by the condominium association related to the transfer of a unit. Section 82.116 now also requires the management certificate to be filed at the Texas Real Estate Commission within 7 days from the date it is recorded in the official public records of the county in which the condominium development is located and restricts a condominium association from holding a property owner liable for attorneys fees incurred in the collection of

unpaid assessments or interest on the unpaid assessments if the condominium association has not timely recorded an up-to-date management certificate in the county's official public records or filed the management certificate with the Texas Real Estate Commission. This provision takes effect on September 1, 2025, however, if a condominium association has already recorded a management certificate or amended management certificate in compliance with Section 82.116 on or before September 1, 2025, then it is not required to electronically file a duplicate management certificate or amended management certificate with the Texas Real Estate Commission until March 1, 2026.

Senate Bill 711 modifies Section 82.157 of the Texas Property Code, which governs the production of resale certificates by a condominium association. As amended, Section 82.157 now restricts the maximum amount that a condominium association may charge for a resale certificate to \$375. This provision takes effect on September 1, 2025.

Senate Bill 711 modifies Section 202.023 of the Texas Property Code, which was enacted in 2021 and prohibits a homeowners association that administers a subdivision development from adopting or enforcing any restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence. As amended, Section 202.023 now permits homeowners associations to: (1) prohibit the placement of fencing that obstructs a license area, as defined by a written license agreement or plat; a sidewalk in the public right-of-way or otherwise installed for public or community use, or a drainage easement or drainage area; (2) require a driveway gate to be set back at least 10 feet from the right-of-way if the driveway intersects with a laned roadway, as defined by Section 541.302 of the Transportation Code; and (3) if provided by a restrictive covenant, prohibit the installation of fencing in front of the front-most building line of a dwelling. Notwithstanding, any homeowner who has constructed perimeter fencing or fencing in front of a dwelling's front-most building line before September 1, 2025, is grandfathered from any new permitted rules regulating the location of front yard fences. In addition, the new permitted front yard fencing rules are not enforceable against homeowners if the homeowner's residential address is exempt from public disclosure under state or federal law or the homeowner provides to the homeowners association documentation from a law enforcement agency of the homeowner's need for enhanced security measures. This provision takes effect on September 1, 2025.

Senate Bill 711 adds Sections 209.00506 and 209.00507 to Chapter 209 of the Texas Property Code. Section 209.00507 requires homeowners associations that administer subdivision developments consisting of more than 40 lots to now solicit candidates for appointment or election to the architectural committee at least 10 days before the homeowners association or its board of directors may appoint or elect new members to the architectural committee. The candidate-solicitation notice must be provided to all homeowners either: (1) by mail; or (2) by posting the

candidate-solicitation notice in a conspicuous manner in a physical place in the subdivision or on an internet website and emailing the candidate-solicitation notice to all homeowners who have registered an email address with the homeowners association. The candidate-solicitation notice must also contain instructions for a person to notify the homeowners association of their interest in serving on the architectural committee, including the date by which the person's notification must be received by the homeowners association, which must not be less than 10 days from the date the candidate-solicitation was provided to the homeowners. Section 209.00506 prohibits a person from being appointed or elected to serve on an architectural committee unless such person timely notified the homeowners association of the person's interest in serving on the architectural committee unless vacancies on the architectural committee remain open after the homeowners association has appointed or elected all persons who timely notified the homeowners association of the interest in serving on the architectural committee. This provision takes effect on September 1, 2025.

### **SENATE BILL 2629 – Electronic Voting**

Senate Bill 2629 modifies Chapters 82 and 209 of the Texas Property Code to make it easier for homeowners associations for condominium and subdivision developments to utilize electronic voting at their meetings. Specifically, Senate Bill 2629 amends Section 82.110 of the Texas Property Code (applicable to condominium associations) to permit electronic voting at membership meetings, provided the condominium association implements reasonable measures to verify that every person voting at the meeting by means of remote communications is sufficiently identified and to keep a record of any vote or other action taken. In addition, Senate Bill amends Section 209.00592 of the Texas Property Code (applicable to homeowners associations for subdivision developments) to require, at a minimum, that members of the homeowners association be permitted to vote at a membership meeting by proxy, absentee ballot or electronic ballot. This bill takes effect on September 1, 2025.

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