

Effective September 1, 2023

HB 886 Change to Chapter 209 of the Texas Property Code: Assessment Lien Requirements

Before an assessment lien is recorded, an association must provide two notices of delinquency to the property owner and adhere to a waiting period. The first notice must be provided by first-class mail to the owner's last known mailing address or by email to the email address the owner has registered with the association. Then, no earlier than 30 days after the first notice is sent, the association must send a second notice by certified mail, return receipt requested, to the owner's last known mailing address. Finally, the association must wait 90 days after the date the second notice was sent before the assessment line may be filed in the official public records.

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Associations of 41 lots or more are now afforded the possibility of appointing board members and other previously disqualified individuals if any vacancies remain after the solicitation process. The notice must be provided at least 10 days before the association elects or appoints a person to serve on the architectural review authority and it must contain instructions for a person to notify the association of the person's interest in serving, including the date by which the person's notification must be received by the association. The solicitation procedures should be added to an association's governing documents. Boards and managers need to be aware of this solicitation requirement moving forward since, if a board member or otherwise disqualified individual serves and the solicitation process isn't followed, the association and the architectural review authority's decisions may be challenged by an owner.

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Any CCOA Homeowner interested in running for a Board position or committee membership should send an email or CCOA website message board notification to any Board Member, CCOA email, or the Chairman of the specific committee of interest. The message should include the date, candidates name, address, position of interest and personal statement. Candidates will receive notification of appointment no less than ten (10) days after submitting request (based on state law) to serve within CCOA management.