

TCAA MINUTE

April 25, 2019

Bills of Note

The TCAA team continues to monitor lots of legislation in these critical last few weeks of the legislative session. There are several bills that directly impact community associations in Texas, and TCAA is working closely with the bill authors to make them aware of the concerns of homeowners and community associations. Some important bills that are being considered in committee this week, include:

- [HB 589](#) by Rep. Joe Deshotel and [HB 3498](#) by Rep. Dustin Burrows both address mechanic's, contractor's, and materialman's liens. These bills remain the subject of negotiation in a number of areas with numerous witnesses changing their initial witness registration from "neutral" to "opposed" when an agreed committee substitute was not introduced to either bill. The TCAA's opposition to the subsection of HB 589, which expanded the liability of condominium unit owners, was well presented by TCAA witness, Chloe Love. Both bills remain pending before the Committee but their future looks grim.
- [HB 1025](#) by Rep. Dwayne Bohac deals with candidacy for and membership on the board of certain property owners' associations. This bill received no opposition when heard in committee this week and was supported by the TCAA. It remains pending before the committee.
- [HB 2302](#) by Rep. Greg Bonnen tackles the issue of when a property owners' association may regulate religious displays at a residence. TCAA witnesses Trisha Farine and David Hartman testified against this bill, citing uncertainty about interpretation and extreme outcomes, though the bill received support from a homeowner citing "religious discrimination" by her HOA. The bill was left pending before the committee.
- [HB 3445](#) by Rep. Tracy King shortens the timeframe for an association board to transition from developer-controlled to resident-controlled, and also require board meetings of certain associations to be held within 10 miles of the subdivision. The bill was opposed by the TCAA and was the subject of lengthy opposition by a witness on behalf of the Texas Association of Builders. The bill was apparently filed due to what the bill's author described as numerous examples of abusive behavior by a POA in his district. The bill was left pending, but appeared to be favored by most of the committee.

You can weigh in on this proposed legislation by contacting your [local legislator](#) and [members](#) of the House Business & Industry Committee.

Other bills of note that are still being considered by the Legislature include:

- [HB 1396](#) by Rep. Sam Harless proposes to limit board eligibility in relation to cohabitation at the same primary residence, so that only one director is permitted per primary residence.
- [HB 1787](#) by Rep. Justin Holland relates to the statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property, compressing the timeframe available for such claims from 10 years to 8 years.
- [HB 4176](#) by Rep. Angie Chen Button allows property owners' associations to regulate short-term rentals.
- [SB 639](#) by Sen. Joan Huffman is a wide-ranging bill addressing the operation and management of condominium unit owners' associations, including issues related to the meetings, records, and elections of those groups.
- [HB 660](#) by Rep. Matt Shaheen addresses the assessment of fines by property owners' associations.

Final Budget Negotiations Begin

The state budget is in the final stages of negotiation, and conferees for [HB 1](#) have been appointed by both the House and Senate. The House has appointed: Representative John Zerwas, (R-Richmond) - Chair, Representative Greg Bonnen (R-Galveston), Representative Sarah Davis (R-West University Place), Representative Oscar Longoria (D-Mission), and Representative Armando Walle (D-Houston). The conferees appointed by the Senate are: Senator Jane Nelson, (R-Flower Mound) - Chair, Senator Joan Huffman (R-Houston), Senator Lois Kolkhorst (R- Brenham), and Senator Robert Nichols (R-Jacksonville), and Senator Larry Taylor (R-Friendswood). The first public meeting of the conference committee was Tuesday, April 23rd.

Last week, the Senate appointed conferees for [SB 500](#), the supplemental appropriations bill that funds unpaid expenses from the preceding two-year budget. Most of those expenses are related to recovery from Hurricane Harvey. The Senate conferees are: Senator Jane Nelson, (R-Flower Mound) – Chair, Senator Juan “Chuy” Hinojosa (D-McAllen), Senator Joan Huffman (R-Houston), Senator Lois Kolkhorst (R- Brenham), and Senator Larry Taylor (R-Friendswood). The House conferees for SB 500 are: Representative John Zerwas, (R-Richmond) – Chair, Representative Giovanni Capriglione (R-Southlake), Representative Mary Gonzalez (D-El Paso), Representative Rick Miller (R-Sugarland), and Representative Toni Rose (D-Dallas).

Additional information about the budget is available on the Legislative Budget Board's [website](#).

Get Involved

If you would like to get involved with TCAA and help protect community associations across Texas, please visit the TCAA website for more information on activities, events, and legislative updates:

www.txcommunityassociationadvocates.org