

BILL ANALYSIS

Senate Research Center

H.B. 886
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Local Government
5/20/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 886 amends current law relating to requirements to file a property owners' association assessment lien.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 209.0094, Property Code, as follows:

Sec. 209.0094. ASSESSMENT LIEN FILING. (a) Creates this subsection from existing text. Defines "assessment lien."

(b) Creates this subsection from existing text. Provides that an assessment lien filed in the official public records of a county is a legal instrument affecting title to real property. Makes a nonsubstantive change.

(c) Requires the property owners' association (association), before an association files an assessment lien, to provide notices of delinquency in accordance with Subsections (d) and (e).

(d) Requires that the first notice of delinquency be provided:

(1) by first class mail to the property owner's last known mailing address, as reflected in records maintained by the association; or

(2) by e-mail to an e-mail address the property owner has provided to the property owners' association.

(e) Requires that the second notice of delinquency be provided by certified mail, return receipt requested, to the property owner's last known mailing address, as reflected in the records maintained by the association, not earlier than the 30th day after notice is given under Subsection (d).

(f) Prohibits an association from filing an assessment lien before the 90th day after the date notice of delinquency was sent to the property owner under Subsection (e).

(g) Provides that Subsections (c), (d), and (e) do not apply to a property owners' association providing a property owner covered by the Servicemembers Civil Relief Act (50 U.S.C. Section 3901 et seq.) the protections to which the owner is entitled under the Act.

SECTION 2. Makes application of Section 209.0094, Property Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.