SUBCHAPTER A. GENERAL PROVISIONS

Sec. 201.001. DEFINITIONS. In this chapter the term or the terms defined by Section 1.002 of this code have the meanings assigned to them by that section.

Sec. 201.002. DEFINITIONS. In this chapter:

(1) "Commercial" means a business or commercial venture, special enterprise or other endeavor a property owner is required to pay a property owner's association assessment or other charge under a dedicatory instrument.

(2) "Commercial property" means:

(A) "Commercial" means an customer filed in the real property records of a county that covers a property owner's association property or a dedicatory instrument.

(B) "Commercial property owner" means each property owner's association having the authority to enforce a dedicatory instrument against a property owner's association property or a property owner's association property authorizing property to restrictive covenants, figures, or similar restrictions, including a property owner's association, a property owner's association property or a property owner's association property or a property owner's association, and to all parts annexed to the covenants, figures, or similar restrictions.

(C) "Property owner's association property" means a property owner's association property which a dedicatory instrument.

(D) "Property owner's association property" means a property owner's association property or a property that covers a property owner's association property or a property owner's association property.

(E) "Property owner's association property" means a property owner's association property or a property owner's association property or a property owner's association property.

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(c) Except as provided by this subsection, a board may take action without a meeting if all members of the board sign a written consent that sets forth the action taken by the board. A consent under this subsection has the same effect as a vote of members of the board on such matter and may be described as such in any document. A board may not use a written consent under this subsection to approve the board member's own compensation or reimbursement of expenses, to approve a contract or transaction in which the board member has a direct or indirect interest, or to approve or ratify any action or inaction of the board or any officer or director for which the board member is personally liable or may be jointly liable with another board member. A board may not use a written consent under this subsection to approve or ratify a contract or transaction with a board member or a business organization in which a board member has a direct or indirect interest unless the board member who is interested in the contract or transaction is not included in the number of members of the board whose signatures are required to approve the action.

Text of subsection as added by Acts 2015, 84th Leg., R.S., Ch. 1267 (S.B. 1526), Sec. 1, eff. January 1, 2016.

(d) Except as provided by this subsection, a board may take action without a meeting if all members of the board are given notice of the action to be taken and sign a written consent that sets forth the action taken by the board. A consent under this subsection has the same effect as a vote of members of the board on such matter and may be described as such in any document. A board may not use a written consent under this subsection to approve the board member's own compensation or reimbursement of expenses, to approve a contract or transaction in which the board member has a direct or indirect interest, or to approve or ratify any action or inaction of the board or any officer or director for which the board member is personally liable or may be jointly liable with another board member. A board may not use a written consent under this subsection to approve or ratify a contract or transaction with a board member or a business organization in which a board member has a direct or indirect interest unless the board member who is interested in the contract or transaction is not included in the number of members of the board whose signatures are required to approve the action.

Text of subsection as added by Acts 2015, 84th Leg., R.S., Ch. 1267 (S.B. 1526), Sec. 1, eff. January 1, 2016.

(e) Use board members, relatives, or company funds to take proposed action. Subject to the provisions of Section 21.418, a board may take action under Subsection (c) or (d) of this section by using the votes of its members or their relatives, if reasonably relevant to the transaction, or by using company funds.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1300 (S.B. 1196), Sec. 1, eff. January 1, 2014.

Sec. 2.001. DEFINITIONS. (a) In this section:

(1) "Board" means a board of directors of a corporation.

(2) "Director" means a member of a board.

(3) "Member" means a member of a board.

(b) Does not participate in any board discussion regarding the matter.

(c) Does not vote on any board action regarding the matter.

(d) The material facts regarding the relationship or interest as to which the director or committee member is interested are known or disclosed to the board or a committee of the board and the board or committee in good faith and with ordinary care authorizes the contract or transaction by the affirmative votes of the majority of the board members who do not have an interest governed by this subsection and who are not included in the number of members of the board whose signatures are required to approve the action, even if the disinterested board members or affirmative votes of the majority of the board members who do not have an interest governed by this subsection are less than a quorum.

(e) Subject to the provisions of Section 21.418, a board may authorize a association that proposes to contract for services that will have more than one year duration or to be paid more than $25,000 in any fiscal year to obtain a bid from at least two qualified bidders.

Added by Acts 2013, 83rd Leg., R.S., Ch. 963 (H.B. 915), Sec. 1, eff. September 1, 2013.

Sec. 2.002. [RESERVED].

Sec. 2.003. [RESERVED].

Sec. 2.004. [RESERVED]. Sec. 2.005. [RESERVED].

Sec. 2.006. [RESERVED]. Sec. 2.007. [RESERVED].

Sec. 2.008. [RESERVED]. Sec. 2.009. [RESERVED].

Sec. 2.010. [RESERVED]. Sec. 2.011. [RESERVED].

Sec. 2.012. [RESERVED]. Sec. 2.013. [RESERVED].

Sec. 2.014. [RESERVED]. Sec.

(b) A property owner's stay of the sale, repossession, or foreclosure under this section is effective on the date the property owner files with the county clerk a copy of the property owner's application to apply for a property owner's association as an open zoning property owner association.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0051. AUTHORITY TO REVOKE OVERRIDE FOR OPEN ACCESSIBILITY. (a) A property owners' association composed of more than five lots may, by a majority vote of the board of directors or by a majority vote of the property owners at a meeting or by written ballot in which each property owner may cast a vote, revoke an override of the dedicatory restrictions or special agreements or any other restriction, covenant, or agreement that prohibits the construction, installation, or modification of ramps or other improvements or modifications to the property to provide open accessibility to the property for persons with disabilities.

(b) The override form for a payment plan is not required to revoke a payment plan override.

(c) A property owners' association is not required to revoke a payment plan override if the property owner has paid the property owners' association the amount of the property owner's assessment for the current year or has entered into a payment plan with an owner who failed to timely pay the amount of the property owner's assessment for the current year. The property owners' association may revoke a payment plan override if the property owner fails to pay a payment plan installment by a date certain or fails to make other payments when due or otherwise breaches the payment plan.

(d) A property owners' association shall file the association's revocation of an override in the deed records of each county in which the property is located.

(e) A property owners' association's failure to file an request to revoke an override form or payment plan override form in the deed records of a county in which the property is located does not affect the validity of a property owner that executes an open access property override form or a payment plan override form. The property owners' association may file a request to revoke an override form or payment plan override form in the deed records of a county in which the property is located without the property owner's signature if the property owners' association has complied with applicable notice requirements under section 209.006 or 209.0064 and the property owner has failed to cure the violation within the applicable cure period.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0052. PROCEEDS OF FORMERLY. (a) Except as provided by Subsection (b), a payment received by a property owners' association from the sale of a property under a lien for assessments, or from the sale of a property under a foreclosure of a lien for assessments, shall be applied first to:

(1) the property owner's assessment;

(2) any unpaid assessments;

(3) any fines, fees, or other charges due to reasonable third party collection agreements approved by the property owners' association or assessments or any other charge that could provide the basis for foreclosure;

(4) reasonable attorney fees and foreclosure costs if the foreclosure sale was not subject to Subsection (b).

(b) The payment shall be applied first to the assessment and foreclosure costs if the property owner's association:

(1) is the lien holder of a property owner's association secondary lien, or a property owner's association has a lien on the property for unpaid assessments, fines, or other charges that are not the subject of a collection agreement or foreclosure of a property owner's association's lien for assessments, fines, and other charges.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0053. PROPERTY OWNERS' ASSOCIATION MAY NOT OVERRIDE CERTAIN RIGHTS. (a) A property owners' association may not override the rights of a property owner under section 209.006 or 209.0064 if the property owner has cured the violation within the applicable cure period.

(b) A property owners' association may not override the rights of a property owner under section 209.0064 if the property owner's assessment is paid in full or the property owner has entered into a payment plan with the property owners' association.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0054. PROPERTY OWNERS' ASSOCIATION MAY NOT OVERRIDE CERTAIN RIGHTS. (a) A property owners' association may not override the rights of a property owner under section 209.006 or 209.0064 if the property owner has cured the violation within the applicable cure period.

(b) A property owners' association may not override the rights of a property owner under section 209.0064 if the property owner's assessment is paid in full or the property owner has entered into a payment plan with the property owners' association.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0055. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0056. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

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(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0057. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0058. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0059. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0060. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0061. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0062. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0063. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0064. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0065. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0066. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0067. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0068. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0069. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0070. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0071. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0072. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0073. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0074. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0075. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0076. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0077. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0078. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0079. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0080. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0081. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0082. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0083. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0084. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0085. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments, including changes, but the association is entitled to reimbursement of attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments if the property owner's actions have caused the property owners' association to incur attorney's fees.

(b) An amount of attorney's fees for attorney's fees incurred by the property owners' association in connection with a violation of the property owners' association's dedicatory instruments, including changes, is reasonable if the amount is the amount specified in a demand letter for payment of attorney's fees by the property owners' association, if the demand letter was mailed to the property owner at the property owner's last known address and stated the amount of the property owners' association's attorney's fees, if the property owner does not dispute the amount of attorney's fees in a written response to the demand letter, and if the amount of attorney's fees is not in excess of the amount specified in the demand letter.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1279, Sec. 1, eff. January 1, 2012.

Sec. 209.0086. ATTORNEY'S FEES. (a) A property owners' association may not charge a property owner for attorney's fees incurred in connection with a violation of the property owners' association's dedicatory instruments

registered agent of the property owners' association and to the association at the address for the association according to the most recently filed management certificate. A copy of the notice must be sent to each property owner who is a member of the association.

(c) If the board does not call a meeting of the members of the property owners' association on or before the 30th day after the date of a demand under Subsection (b), three or more owners may form an election committee. The election committee shall file written notice of the committee's formation with the county clerk of each county in which the subdivision is located.

(d) A notice filed by an election committee must contain:

(1) a statement that an election committee has been formed to call a meeting of owners who are members of the property owners' association for the sole purpose of electing board members;

(2) the name and residential address of each committee member; and

(3) the name of the subdivision over which the property owners' association has jurisdiction under a dedicatory instrument.

(e) Each committee member must sign and acknowledge the notice before a notary or other official authorized to take acknowledgments.

(f) The county clerk shall enter on the notice the date the notice is filed and record the notice in the county's real property records.

(g) Only one committee in a subdivision may operate under this section at one time. If more than one committee in a subdivision files a notice, the first committee that files a notice, after having complied with all other requirements of this section, is the committee with the power to act under this section. A committee that does not hold or conduct a successful election within four months after the date the notice is filed with the county clerk is dissolved by operation of law. An election held or conducted by a dissolved committee is ineffective for any purpose under this section.

(h) The election committee may call meetings of the owners who are members of the property owners' association for the sole purpose of electing board members. Notice, quorum, and voting provisions contained in the bylaws of the property owners' association apply to any meeting called by the election committee.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1026 (H.B. 2761), Sec. 5, eff. January 1, 2012.

Sec. 209.015. REGULATION OF LAND USE: RESIDENTIAL PURPOSE. (a) In this section:

(1) "Adjacent lot" means:

(A) a lot that is contiguous to another lot that fronts on the same street;

(B) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or a back property line; or

(C) if permitted by the dedicatory instrument, any lot that is contiguous to another lot at the back property line.

(2) "Residential purpose" with respect to the use of a lot:

(A) means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose; and

(B) includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the dedicatory instrument, the parking or storage of a recreational vehicle.

(b) Except as provided by this section, a property owners' association may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts the owner of a lot on which a residence is located from using for residential purposes an adjacent lot owned by the property owner.

(c) An owner must obtain the approval of the property owners' association or, if applicable, an architectural review authority, as defined by Section 209.00505(a), established by the association or the association's dedicatory instruments, based on criteria prescribed by the dedicatory instruments specific to the use of a lot for residential purposes, including reasonable restrictions regarding size, location, shielding, and aesthetics of the residential purpose, before the owner begins the construction, placement, or erection of a building, structure, or other improvement for the residential purpose on an adjacent lot.

(d) An owner who elects to use an adjacent lot for residential purposes under this section shall, on the sale or transfer of the lot containing the residence:

(1) include the adjacent lot in the sales agreement and transfer the lot to the new owner under the same dedicatory conditions; or

(2) restore the adjacent lot to the original condition before the addition of the improvements allowed under this section to the extent that the lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner.

(e) An owner may sell the adjacent lot separately only for the purpose of the construction of a new residence that complies with existing requirements in the dedicatory instrument unless the lot has been restored as described by Subsection (d)(2).

(f) A provision in a dedicatory instrument that violates this section is void.

Added by Acts 2013, 83rd Leg., R.S., Ch. 219 (H.B. 35), Sec. 1, eff. June 14, 2013.
Amended by:

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 19, eff. September 1, 2021.

Sec. 209.016. REGULATION OF RESIDENTIAL LEASES OR RENTAL AGREEMENTS.

(a) Repealed by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(3), eff. September 1, 2021.

(b) A property owners' association may not adopt or enforce a provision in a dedicatory instrument that:

(1) requires a lease or rental applicant or a tenant to be submitted to and approved for tenancy by the property owners' association; or

(2) requires the following information to be submitted to a property owners' association regarding a lease or rental applicant or current tenant:

(A) a consumer or credit report; or

(B) a lease or rental application submitted by the applicant, tenant, or that person's agent to the property owner or property owner's agent when applying for tenancy.

(c) Repealed by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(3), eff. September 1, 2021.

(d) Nothing in this section shall be construed to prohibit the adoption or enforcement of a provision in a dedicatory instrument establishing a restriction relating to occupancy or leasing.

(e) A property owners' association may request the following information to be submitted to the association regarding a lease or rental applicant:

(1) contact information, including the name, mailing address, phone number, and e-mail address of each person who will reside at a property in the subdivision under a lease; and

(2) the commencement date and term of the lease.

Added by Acts 2015, 84th Leg., R.S., Ch. 1077 (H.B. 2489), Sec. 1, eff. June 19, 2015.
Amended by:

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 20, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(3), eff. September 1, 2021.

Sec. 209.017. JUSTICE COURT JURISDICTION. An owner of property in a subdivision may bring an action for a violation of this chapter against the property owners' association of the subdivision in the justice court of a precinct in which all or part of the subdivision is located.

Added by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 21, eff. September 1, 2021.