

2015 End of Session Report

Open Meetings — SB1284/HB1251 requires all meetings of a nonprofit home owners' association board to be open to members of the home owners' association, except when discussing delinquent assessments or indebtedness of individual members of the home owners' association. The bill failed upon adjournment.

Disclosure Statement and HOA Study — SB2110/HB2070-requires that prior to selling residential property located within a planned unit development (PUD) that any owner of the property disclose in writing whether the PUD is complete, and if the PUD is not complete, the date in which all property located in a PUD will be developed. Broadly captioned.

The Senate State & Local Government amendment added additional language requiring TACIR to conduct a comprehensive study on the law and regulations regarding homeowners associations. Requires the Secretary of State, Office of the Comptroller of the Treasury, and the Department of Commerce and Insurance to provide assistance to TACIR as needed for this study. Requires TACIR to submit a report to the Speakers of the House and Senate by January 1, 2015. The bill failed upon adjournment.

Order of Protection — SB2177/HB1982 allow homeowners' associations, neighborhood associations, neighborhood watch or any organized group of residents that live within a residential area to seek an order of protection against offenders convicted of three or more offenses of the crimes of theft, burglary, rape or criminal homicide. The bills failed upon adjournment.

Parking and Political Signs — SB 2198/HB2060 prohibits a homeowners' association from barring any person from parking on any public street located within any county or municipality unless expressly authorized by the legislative body of the county or municipality. Specifies that any provision of a governing document of a homeowners' association that restricts parking on any public street is declared null and void. Also specifies that any fees or fines imposed by any homeowners' association for any public street parking violation shall be unenforceable and of no legal effect in a court of law. Restricts the ability of homeowners' associations to ban political signs on private property and to impose fines in excess of the monthly dues owed by property owners within the homeowners' association.

Bylaws — SB2556/HB2471 expands the definition of an HOA's bylaws to include the HOA's financial statements and operating budget when a buyer, prior to purchasing property located in a PUD, requests that such bylaws be disclosed. The bills failed upon adjournment.

Tax Sale and Liens — SB 54/HB 19 authorizes a tax entity, when acquiring undeveloped or unimproved property at a tax sale, to transfer such property to a non-governmental entity for the purpose of satisfying in full any fees assessed by the non-governmental entity, as approved and negotiated by both entities. It prevents any judgment from being entered against the tax entity related to payment of assessments or fees before the date that the non-governmental entity takes title to the property, if the transfer is jointly approved. The bill prevents any lien for those assessments or fees claimed by the non-government entity from being enforced. The bills were enacted.