

# **Foxfire Homeowners Association**

**HOAs are Subject to Open Records Requests** - Information from City of College Station 2012

## ***Reforms Mean Major Changes for Homeowner Associations***

Last year, the Texas Legislature passed a number of sweeping laws that are having a significant impact on how homeowners associations operate. The new laws require greater compliance with state regulations than before, and many HOAs were not fully prepared to deal with those changes. Since College Station has more than 60 HOAs, it was important for us to identify established experts to help educate our HOAs about what this all means to them.

The new laws affect almost all HOAs, except for those with fewer than 14 homes or properties. Key changes include:

- **Open records, open meetings and records retention policies apply to HOAs. These policies and procedures must be part of every HOA's regular operations.**
- **HOAs are subject to open records requests from property owners, with the exception of information on other residents and their properties. The requests are limited to HOA operations.**
- **72-hour notices must be given to homeowners before conducting board meetings. If no annual meeting occurs, board members can call for a meeting through a voting process.**
- **Executive session decisions must be summarized orally in a regular meeting and placed in the minutes in general terms, including any expenditure approvals and personal information regarding homeowners.**
- **Annual meetings and elections are mandatory.**
- **A court order is required before an HOA can foreclose on a property.**
- **Payment plans must be established to prevent foreclosure due to non-payment of fees.**
- **Additional notices must be sent to residents before turning an account over to an attorney for collection.**

- **HOAs are restricted from banning religious displays, flag poles, solar panels or rain harvesting equipment.**
- **HOAs must better define election procedures and voting rights clauses for members, with more restrictions on what constitutes a quorum and the proxy voting system for boards and members.**
- **Attorney fees and assessments of payments related to foreclosures.**

**Although no board or commission governs HOAs at the state-level, associations are expected to voluntarily comply with all aspects of the laws. That's why a complete and thorough understanding of the changes and their impact on our local groups is so vital. If you have questions or need more information, please contact me at 979.764.6262 or [bmoore@cstx.gov](mailto:bmoore@cstx.gov).**