

✓	SUBJECT	TEX. PROP. CODE (BILL NO.)	PROP. TYPE	EFF. DATE
	<b>Electronic &amp; Absentee Ballots</b> – Allowed.	§209.00593 (SB 472) §209.00592 (HB 2761)	SF	9/1/11
	<b>Director Appointment</b> – <b>NO</b> appointment to expired terms.	§209.00593 (HB 2761)	SF	1/1/12
	<b>Election Vote Tabulators</b> – Candidates and their kin <b>PROHIBITED</b> ; access to ballots <b>RESTRICTED</b> .	§209.00594 (SB 472 & HB 2761)	SF	9/1/11
	<b>Annual Meetings &amp; Elections</b> – Annual meetings <b>REQUIRED</b> ; otherwise owners right to call election meeting.	§209.014 (HB 2761)	SF	1/1/12
	<b>~ POA RECORDS &amp; DOCUMENTS ~</b>			
	<b>Recording Requirement</b> – All POA dedicatory instruments <b>MUST</b> be filed of record or = “no effect”.	§202.006 (HB 1821)	SF & C	1/1/12
	<b>Website Posting</b> – All dedicatory instruments <b>MUST</b> be filed on POA or management company’s POA publicly accessible website, if any.	§207.006 (HB 1821)	SF	1/1/12
	<b>Declaration Amendment</b> – Only 67% owner approval required if higher % required in declaration.	§209.0041 (SB 472)	SF	9/1/11
	<b>Open Records</b> – <b>MUST</b> adopt and file of record an open records policy (includes records production, review and copying), otherwise <b>NO</b> charges allowed; JP court remedies for owners denied access.	§209.005(i) (HB 2761)	SF	1/1/12
	<b>Records Retention Policy</b> – POAs consisting of 15 lots or larger <b>MUST</b> adopt (and file of record).	§209.005(m) (HB 2761)	SF	1/1/12
	<b>~ ASSESSMENTS, COLLECTIONS, LIENS, FORECLOSURE &amp; VIOLATIONS ~</b>			
	<b>Military Notice</b> – <b>REQUIRED</b> for certain enforcement actions.	§209.006(b) (HB 1127)	SF	1/1/12
	<b>Payment Plan Guidelines</b> – POAs consisting of 15 lots or larger <b>MUST</b> be adopted and filed of record.	§209.0062(a),(b) (HB 1228 and HB 1821)	SF	1/1/12
	<b>Application of Payments</b> – Owner payments <b>MUST</b> be applied in accordance with statutory application.	§209.0063 (HB1228)	SF	1/1/12
	<b>Third Party Collections</b> – 30 day certified notice prior to turnover <b>REQUIRED</b> ; owner not liable for fees under contingency agreements.	§209.0064(b),(c) (HB 1228)	SF	1/1/12
	<b>Copy Charge Foreclosure</b> – No foreclosure of debt consisting solely of fees charged for obtaining copies of POA records.	§209.009(3) (HB 2761)	SF	1/1/12
	<b>Junior Lienholder Notice</b> – 60 day certified notice & opportunity to cure <b>REQUIRED</b> .	§209.0091 (HB 1228)	SF	1/1/12
	<b>Judicial Foreclosure</b> – Expedited judicial foreclosure <b>REQUIRED</b> .	§209.0092 (HB 1228)	SF	1/1/12
	<b>Foreclosure Amendment</b> – 67% of owners can amend to adopt or remove foreclosure provisions.	§209.0093 (HB 1228)	SF	1/1/12
	<b>Lien Notices</b> – Prepared by attorneys (confirms prior law).	§209.0094 (HB 1228)	SF	1/1/12
	<b>~ HOME SALES &amp; REALES ~</b>			
	<b>Transfer Fees</b> – Review existing transfer fees to determine limited need for statutorily required filing. And, attorney sample restrictions reviewed to ensure compliance with new “effective date” prohibitions.	Ch. 5, Subch. G (HB 8)	SF & C	6/17/11
	<b>Resale Certificates</b> – New timeframes, production procedures and required information, including POA lawsuits (except tax suits) and transfer fee disclosure.	§207.003 (HB 1821)	SF	1/1/12

## **POA TO DO LIST:**

- 1. Record ALL dedicatory Instruments in Deed Records**  
Including Bylaws, Rules and Guidelines  
Any governing document not recorded is INEFFECTIVE  
TPC 202.001 eff 1-1-12
  - 2. Update website to include all dedicatory instruments**  
TPC 207.006 eff. 1-1-12
  - 3. Revise Notice Prior to Enforcement Act**  
Eff. 1-1-12 must include information about Servicemen Relief Act
  - 4. Comply with new voting requirements / eligibility for Board**  
TPC 209.00593 and 209.00591 eff 9-1-11
  - 5. Comply with Open Board Meeting requirements**  
TPC 209.0051 eff 1-1-12
  - 6. Adopt record production & copying Policy**  
TPC 209.005(i) eff 1-1-12
- Note: Cost to produce records cannot exceed those set forth in 1 TAC Section 70.3.  
This section of the Texas Administrative Code can be found online through Texas  
Secretary of State website: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac).
- 7. Adopt record retention policy**  
TPC 209.005(m) eff 1-1-12
  - 8. Adopt reasonable guideline to establish alternate payment plan**  
TPC 209.0062 eff 1-1-12 (and file in deed records)
  - 9. Update RESALE certificate information**  
TPC 207.003(b) eff. 1-1-12
  - 10. Review / update Management certificate information**  
TPC 209.004 (Unchanged)