

TEXAS NEIGHBORHOODS TOGETHER

PRIORITY

Property Owners Associations

Recommendation

Support a comprehensive bill that would become uniform, state-wide law balancing the interests of homeowners, their associations and other stakeholders. Otherwise, preserve existing law with no change.

Background

For the past several years, property owners associations across the country have come under fire for a variety of reasons – ranging from their roles as enforcers of property maintenance and community behavioral standards to their roles as assessors and collectors of funds necessary for providing contractually required services. Stories abound in the media about conflicts between property owners and association boards, and the message conveyed over and over is that association boards are predatory and power-hungry and the property owner is completely lacking in any culpability. Like all sensationalized messages, there are some kernels of basic truth, but that message is usually seriously distorted.

The vast majority of property owner associations are well-run by dedicated volunteers who care about the individuals in their neighborhood and the community as a whole. They conduct themselves honorably and carry out their duties diligently and responsibly, even if those duties are sometimes unpleasant in some eyes.

Without a doubt there are a handful of ill-advised association boards. Likewise, there are a handful of rebellious property owners who believe that restrictive covenants should apply to their neighbors and not to themselves. There are also property owners who innocently run afoul of their associations because they do not understand their rights and responsibilities. Similarly, there are boards that make honest mistakes.

Because associations are becoming the most common form of property ownership, they are inextricable parts of the economic and social fabric of a community – especially in those areas not served by municipal governments, such as unincorporated Harris County, and in some cities and towns, such as Garland, that require them for new residential developments. Any consideration of changes in the law should take the following principles into account:

- ★ The ability of owner associations to timely collect dues and assessments for the maintenance of common infrastructure and the promotion of the community's health, safety, and welfare should not be impaired.
- ★ The ability of owner associations to fairly enforce deed restrictions, covenants, and other measures designed to preserve
- ★ The health, safety, welfare, livability, and value of the community should not be impaired.

- ★ Within the limitations of national, state, and local law, and any irrevocable covenants, owner associations and their respective owners should maintain rights of self-determination in regard to their governance and other affairs.
- ★ Volunteering to serve on association boards should be encouraged rather than discouraged.

Impact

The stability of neighborhoods would be protected.

City and county governments currently benefit from the reduced expenses for community amenities that are paid for by owner associations; such as right of way and landscaping maintenance, flood zone maintenance, and wall and entry features. Any erosion of owner associations' ability to exist and provide services will dramatically increase the transfer of these responsibilities to local city and county governments.