

Summary of 2011 Changes and Amendments to POA Laws

1. POA's cannot prohibit solar energy devices, charge a fee for transferring ownership of subdivision lots, or prohibit the display of the American and Texas State flag.
2. At Annual Meetings, any vote cast by a property owner in an election for board members or vote on any issue must be in writing and signed by the property owner.
3. All property owners are entitled to vote in an election for board members or to vote on any issue even if the property owner is in violation of deed restrictions or in arrears in payment of assessments.
4. All property owners are entitled to run for a position on the board even if the property owner is in violation of deed restrictions or in arrears in payments of assessments.
5. A property owner may not serve as a board member if the property owner has been convicted of a felony or a crime of moral turpitude.
6. A property owner may vote in an election for board members or vote on any issue by absentee ballot by mail, absentee ballot by an electronic ballot, proxy ballot, or by personal ballot at the annual meeting.
7. A property owner selected to tabulate votes in an election for board members or votes on any issue must meet certain criteria. A property owner tabulating votes may not be a board member, a candidate to become a board member and may not be a relative of a board member, or a relative of a candidate to become a board member. In addition, any property owner tabulating votes just certify he/she will not disclose to any person how an individual voted.
8. New property owners are to be notified that membership is mandatory in the property owners association by all property owners.
9. A property owners association must have a website to facilitate posting of required notifications.
10. A property owners association must establish a file/document retention policy which requires file/document retention for a period of seven years. The policy will also give access to association records by property owners.

11. An agenda for the monthly board meeting shall be prepared to include the date, hour, place of the meeting and shall include all items and issues which require a vote by the board members. The agenda shall be posted at least seventy-two hours before the start of the board meeting. THPOA will post the agenda on our website, on the association bulletin board and email the agenda to property owners requesting such notification.
12. A notice entitled "Notice of Election of Association Vote" shall include the date, hour, and place of the election of association vote and shall be provided to property owners not later than the 10th day or earlier than the 60th day before the date of the annual meeting. The Notice of Election of Association Vote may be combined with the Annual Meeting Notification.
13. An agenda for the annual meeting shall be prepared to include the date, hour, place of the meeting and shall include all items and issues which require a vote of the property owners. The agenda shall be posted at least seventy-two hours before the start of the annual meeting. THPOA will post the agenda on our website, on the association bulletin board and email the agenda to property owners requesting such notification.
14. All property owners have the right to demand a recount of any election vote or a vote for any issue. The property owner demanding the recount must front the cost of the recount. If the recount changes the results of the original decision, the property owner is refunded the cost of the recount.
15. All property owner associations are required to adopt a payment plan for property owners to pay maintenance fees which are in arrears. The payment plan must establish the priority of applying payments received by the property owners association. The payment plan must be written, signed by both the property owner and the designated representative of the association and both signatures must be notarized. The payment plan is then filed of record with the county clerk in the county where the association is located, which is Polk County for the Twin Harbors Property Owners Association.
16. Laws providing or foreclosure by property owner associations have been changed and; therefore, the board has determined the association attorney will be solely responsible for any foreclosure.