

TEXAS

Basic Information on community association operations in this state

<p>1. Is UCA the legal basis for community associations?</p> <ul style="list-style-type: none"> Uniform Condominium Act Property Code, Title 7, Chapter 82 Condominiums Created Before Uniform Condominium Act Property Code, Title 7, Chapter 81 <p>NOTE: Amended in twenty-three sub-parts in 2016 via SB 1168</p>	<p>YES NO</p>
<p>2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?</p> <ul style="list-style-type: none"> Chapter 209 of the Texas Property Code governs Condominium and Subdivision Associations. Chapter 204 governs powers of property owners associations relating to restrictive covenants. Chapter 207 governs the disclosure of information by property owners associations. All <u>unincorporated</u> nonprofit associations..., are subject to the provisions of the Uniform Unincorporated Nonprofit Association Act, Chapter 252 of the Business Organizations Code. The Act addresses a limited number of major issues relating to nonprofit associations; namely, the authority of the nonprofit association to acquire, hold and transfer property in its own name; the authority to sue and be sued as a separate legal entity; and the contract and tort liability of an association's officers and its members. 	<p>YES? NO</p>
<p>3. What state agency regulates community associations?</p> <p style="text-align: center;">○</p>	
<p>4. Are community associations, HOAs registered as business entities or nonprofit corporations?</p> <p style="text-align: center;">VARIES</p> <p>Governed by the Texas Business Organizations Code (a consolidation of 11 previous Codes governing Cooperative Associations, Corporations, Not-for-Profit corporations, partnerships, LLCs and Real estate trusts.</p>	
<p>5. How many community associations in this state?</p> <p><i>(Source: CAI Fact Book 2016 Statistics)</i></p>	<p>19.900 est'd</p>
<p>6. Does this state have laws that regulate use of technology?</p> <p>If Yes, do these laws impact:</p> <ul style="list-style-type: none"> Information privacy; Data access; 	<p>YES NO</p>

- Identity Theft;
- Data breach?

Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

NONE FOUND

Relevant Legislative Trends

The 2015 **Texas** Legislature enacted 39 new **HOA-specific laws** that apply to **Texas** Homeowners Associations, including Homeowners Associations that administer **condominium** developments

2015 HOA Legislation Report - Texas HOA Law

texashoalaw.com/2015-texas-hoa-legislation-report/

SB 1168 consists of twenty-three separate subparts or “sections”, which amend several provisions of Chapter 82 (which governs Condominium Associations) and Chapter 209 of the Texas Property Code (which governs Subdivision Associations), as well as adds a new Chapter 213 to the Texas Property Code

Since 2015 numerous cybersecurity bills have been proposed, and some passed, expanding definitions and data security practices of state agencies and businesses.

Statutes related to Data Security/retention/protection/disposal and penalties

Regulated under the Business and Commerce Division

Tex. Bus. & Com. Code §§ 521.002, 521.053, 521.151

- A person who conducts business in this state and owns, licenses or maintains computerized data that includes sensitive personal information.
- Unauthorized acquisition of computerized data that materially compromises the security, confidentiality, or integrity of personal information maintained by the information holder.
- A violation of this statute is also a deceptive trade practice under the Texas Deceptive Trade Practices Act
- Businesses must implement and maintain reasonable procedures, including appropriate corrective action, to protect from unlawful use or disclosure of sensitive personal information, such as shredding, erasing, or other similar means of modifying sensitive personal information to make it unreadable or indecipherable. This section does not apply to a financial institution.

Tex. Bus. & Com. Code § 72.004

H.B. 9 Status: Enacted, Chap. 684.

- Relates to cybercrime, creates criminal offenses, defines terms.

Identity theft statutes and penalties

Regulated under the Office of the Attorney General

Tex. Penal Code § 33.02

Related General Business/Organization Statutes (non-specific to Associations)

Above