

# TEXAS HOAs

*a guide for understanding their laws*

## WHAT IS AN HOA IN TEXAS?

Homeowners associations technically go by the name “property owners’ associations” in Texas. They’re formally defined in [Section 202.001](#) of the Texas Property Code as:

*“...an incorporated or unincorporated association owned by or whose members consist primarily of the owners of the property covered by the dedicatory instrument and through which the owners, or the board of directors or similar governing body, manage or regulate the residential subdivision, planned unit development, condominium or townhouse regime, or similar planned development.”*

This definition means that a Texas HOA is a legal entity that represents a number of homeowners and their properties, and which governs several kinds of activity and permissions that can occur within that area of land. They operate using a [variety of documentation](#), such as:

- **Articles of Incorporation:** These are legal documents (also referred to as a Certificate of Formation) required to form the corporation if the HOA is a legal entity. Articles of Incorporation prove the HOA’s legal existence and are retained over time.
- **Subdivision Plats:** These help clarify the precise land layout of an HOA. Plats include establishing common areas, defining each lot’s location, and addressing easements and the use of non-possessed land.
- **Bylaws:** These oversee how the HOA itself is to operate over time. Bylaws detail day-to-day behavior and management, and lay out guidelines for elections, meetings, and so on.
- **Declarations of Covenants, Conditions, and Restrictions:** These items define the permissions and responsibilities of each member of a Texas homeowners association. They explain how owners can use their property, including what they can build and maintenance standards.

HOAs are typically led by a group or board of directors. They can be nonprofit corporations or even unincorporated. You can see this distinction for each HOA on the [Secretary of State’s website](#). A [Homeowner’s Association Management Certification Database](#) also provides more public information about each association.

## UNDERSTANDING HOAs IN TEXAS

HOAs are an interesting, complicated additional layer to the homebuying and homeownership process. They add standards, rules, responsibilities, restrictions and regulations that normally wouldn’t exist for someone who owns a home on their own.

However, despite their burdensome reputation, HOAs can serve an important purpose. They provide guidance and oversight for a community’s property-related activity. They also help maintain higher standards of living and property values.

From closing costs and [title commitments](#), to seasonal repairs and even [going on vacation](#), there are a lot of factors to consider when buying a home. One area that sometimes intimidates homebuyers is the world of homeowners associations, otherwise known as HOAs.

With additional fees, laws, and varying regulations, HOAs add a complicating layer to the homeownership process that can be difficult to understand. Whether you’re already in an HOA in Texas or considering joining one, Patten Title knows that it’s essential to help all homeowners understand the HOA laws in the Lone Star State.

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If you're considering buying a home in Texas that is part of an HOA, it isn't something to fear. What's important is to research and understand the legal ramifications that come with owning an HOA home. Read your charter's papers thoroughly before purchasing so that you're not surprised by any technicalities you may meet.

## IMPORTANT HOA LAWS IN TEXAS

One of the major questions about HOAs (apart from the fees) is what laws relate to them. A [number of federal laws](#) impact HOAs across the board, including critical items, such as the [Fair Housing Act](#), the [United States Bankruptcy Code](#) and even the [Freedom to Display the American Flag Act](#).

Texas homeowners or those planning to purchase a home within an HOA should keep several vital resources bookmarked and handy.

The Texas Property Code has multiple chapters that pertain to HOAs.

- [Chapter 202](#) addresses aspects of the HOA itself, such as its structure and restrictions.
- [Chapter 209](#) addresses the governance of the HOA itself as a separate entity.
- [Chapter 22](#) of the Texas Business Organization Code is helpful for HOAs that operate as nonprofits.

[Other laws](#) that either directly or indirectly pertain to Texas HOAs include:

- [Texas Condominium Act](#) and [Texas Uniform Condominium Act](#) govern how associations within condominium communities can operate.
- [Texas Fair Housing Act](#) protects buyers and their right to purchase homes without discrimination.
- [Senate Bill 1588](#) recently modified 27 different sections about HOAs or property owners associations, ranging from forbidding restrictions of pool installations to authorizing property owners to sue associations.

Once you understand what Texas HOA life is like, you can become an informed and committed member of an HOA community and benefit from all of the positives that it has to offer.

