

A Summary of the Texas Property Code Statutes Regulating Open Meetings for HOAs

- A. Board meetings (regular and special) must be open to owners, except for certain meetings during a development period.
- B. The board has the right to adjourn a board meeting and reconvene in a closed executive session for certain issues:
 - Personnel matters
 - Litigation
 - Contract negotiations
 - Enforcement actions
 - Confidential attorney communications
 - Matters involving the invasion of owners' privacy
 - Matters involving parties who have requested confidentiality and the board has agreed to honor that request
- C. Decisions made in executive sessions must be summarized orally in general terms, including any expenditures approved, and recorded in minutes.
- D. Boards must keep written minutes as record of each regular and special meeting and give owners access to approved minutes.
- E. Boards must give written notice of upcoming board meetings (regular and special), including the date, hour, place and the general subject of issues to be brought up in open and executive sessions.
- F. The Board's notice of meeting must be either:
 - Mailed to owners at least (10) days but not earlier than (60) days beforehand; or
 - Provided at least 72 hours before meeting by:
 - (a) being posted notice in a conspicuous location (i.e., in a common area or on an association website); and
 - (b) being emailed to all owners who have provided their email address to the HOA.
- G. An owner has a duty to keep his email address updated with the HOA.
- H. Board meeting notice is not required if:
 - (1) The board meets by telephone or electronic method, if each director may hear or be heard by all other directors,
 - (2) the board acts by unanimous written consent on routine or administrative matters, or
 - (3) the meeting is necessary to address an urgent or emergency situation that requires immediate action.
 - The foregoing right of a board to meet and vote without prior notice to the members does not apply to the following matters:
 - (1) fines;

- (2) damage assessments;
 - (3) initiation of foreclosure actions or enforcement actions;
 - (4) increases in assessments;
 - (5) levying special assessments;
 - (6) appeals from denials of architectural control approval; or
 - (7) suspending rights of an owner before the owner has an opportunity to appear before the board.
- Actions taken without prior meeting notice must be summarized orally during the next open board meeting, including any actual or estimated expenditures approved, and documented in the minutes of the next noticed meeting.
 - If a board meeting is recessed with business to be continued the following day, the board is not required to post notice of the continued meeting. If the meeting is not finished on the following day, the board must give notice as described above within two hours after adjourning the following day.
 - Notice is not required for board meetings during a development period unless the meeting is conducted for the purpose of:
 - Adopting or amending the governing documents, including declarations, bylaws, rules, and regulations of the association;
 - Increasing the amount of regular assessments of the association or adopting or increasing a special assessment
 - Electing non-developer board members of the association or establishing a process by which those members are elected; or
 - Changing the voting rights of members of the association