2013 Legislative Update

Texas Land Title Institute
2013

December 5, 2013

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Community Involvement
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Professional Memberships & Associations
Fellow, American College of Real Estate Lawyers
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Honors And Recognition
AIN – Crystal Hope Award
American College of Real Estate Lawyers – Fellow
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Texas Bar Foundation Outstanding Law Review Article Award
Texas Land Title Association: President's Award; Professional Excellence Award; Peggy Hayes Teaching Excellence Award
Texas Monthly – "Super Lawyer"
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I. SESSION OVERVIEW

The 83rd regular legislative session commenced early January 2013 and concluded at the end of May 2013, but continued into the late summer for three special sessions. A total of 6,130 bills were filed — even more than filed in the 82nd session. The legislators focused on a number of hot topics, including the budget, education, redistricting transportation, water and some social issues. Some of these spilled over into new laws affecting real estate.

Governor Perry vetoed a total of 26 bills. Most of the vetoes did not affect real estate, though there was one significant veto of a bill that would have given priority to a second in time recorded mineral lease if a prior mortgage was foreclosed. This would have, of course, turned a century of basic real estate law on its ear, but obviously someone gained the ear of the governor. Once again, the regular session came to a drama-filled close, including a late filibuster by Wendy Davis (D-Fort Worth) which may affect Lieutenant Governor Dewhurst's bid for re-election. Senator Davis gained national attention and has filed to run for election as governor.

Of the 6,130 bills filed, 1,442 (approximately 23.5% were passed into law), approximately 200 affect real estate and title insurance. The following is a list of those selected as being the most significant or substantive to which real estate practitioners should pay some notice. This paper is organized alphabetically by codes. Each code is broken down into the effective title, and the discussed bill identifies rather it originated in the House or Senate, the author, what part of the Code is affected and the effective date. Of the following, the author recommends particular attention to the changes to Water Code funding, reverse mortgages for purchase, changes to transfer of tax liens and the significant revisions to the Estates Code. Everyday practitioners should pay particular note to the change in use of the statutory durable power of attorney, and anyone dealing with the tax collector should note the new ability to obtain waivers for penalties and interest on certain subsequent assessments for missed improvements and improper exemptions. An expanded right of redemption is also given to condominium owners.

II. AGRICULTURE CODE

TITLE 7 - SOIL AND WATER CONSERVATION

Wind Erosion Conservation District - HB 2153; Callegari; Repeals Texas Agriculture Code, Chapter 202; Effective immediately. This bill relates to the abolition of wind erosion conservation districts. Essentially, it directs county judges to dissolve all “wind erosion conservation districts,” if any, as soon as possible. This will eventually eliminate the “first and prior” liens currently available to secure assessments, though existing liens will continue until released or expired.

TITLE 6 - PRODUCTION, PROCESSING AND SALE OF ANIMAL PRODUCTS

Trespassing Animals - HB 1819; Kacal; Amends Section 143.033; Effective September 1, 2013. This bill adds sheep and goats to the protected class of animals which cannot be harmed for trespassing (dogs are not so protected). Other protected animals include cattle, horses, mules, jacks, and jennets. Now, maiming, wounding, or killing trespassing sheep or goats
by any means, including use of a gun or a dog, is prohibited. This statutory provision helps to protect domestic livestock that escape their fences.

III. BUSINESS ORGANIZATIONS CODE

**TITLE 1- GENERAL PROVISIONS**

**Business Entities and Associations - SB 847; Carona; Amends Texas Business and Commerce Code Sections 3.059, 7.001, 11.052, 21.301, 101.052, 101.605, 101.609, 101.622, 154.104; Repeals Section 24.003(c); Effective September 1, 2013.** This bill provides that a general partnership, limited partnership, or limited liability company may limit the liability of its governing persons with respect to the entity or its owners. The bill also clarifies that it is only general partnerships, not any type of partnership, that are exempt from the requirement of sending written notices regarding the winding up of the partnership. The bill expands the general powers of a series established by a limited liability company’s agreement, but also provides that these series are not separate domestic entities or organizations. It allows company or partnership agreements to provide rights to be provided to a third person. Finally, the bill repeals a section of the Business and Commerce Code specifying when a partnership is insolvent under the Uniform Fraudulent Transfer Act.

IV. BUSINESS AND COMMERCE CODE

**TITLE 1 - UNIFORM COMMERCIAL CODE**

**UCC - SB 474; Carona; Amends Business and Commerce Code Section 9.519; Effective July 1, 2013.** This bill deletes certain financing statement requirements regarding information related to a debtor entity. Specifically, if a debtor is an entity, a financing statement securing an interest in such debtor’s property no longer must include: (1) the type of organization for the debtor; (2) the jurisdiction of organization for the debtor; and (3) an organizational identification number for the debtor or indicate that the debtor has none.

V. CIVIL PRACTICE AND REMEDIES CODE

**TITLE 2 - TRIAL, JUDGMENT AND APPEAL**

**Judicial Foreclosure Proceedings - HB 2978; Parker; Adds Civil Practices and Remedies Code Sections 17.031 and 154.028, and Adds Government Code Section 22.018; Effective immediately.** This bill provides that, when filing an application for an expedited court order allowing for the foreclosure of a contract lien under the Texas Rules of Civil Procedure 736, a party may provide service in accordance with either Texas Rule of Civil Procedure 736 or 106, or in any other manner provided for petitions under the Texas Rules of Civil Procedure. Also, under this new law, a court may order mediation (mediation must take place within 29 days after motion for default by petitioner) regarding an expedited foreclosure action. However, the parties to the lawsuit may agree to waive the mediation process. Further, this new law directs the Texas Supreme Court to promulgate numerous forms for the use in expedited foreclosure proceedings by March 1, 2014.
VI. THE CONSTITUTION

**Partially Disabled Veterans - HJR 24.** Amends Texas Constitution, Article VIII, Section 1-b. Effective: January 1, 2014. This constitutional amendment authorizes the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.

**Veteran Kill in Action - HJR 62.** Amends Texas Constitution, Article VIII, Section 1-b. Effective: January 1, 2014. This constitutional amendment authorizes the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.

**State Water Implementation Fund - SJR 1.** Amends Texas Constitution, Article III, by adding Sections 49-d-12 and 49-d-13. Effective: January 1, 2014. This constitutional amendment creates the State Water Implementation Fund for Texas to assist in the financing of priority projects in the state water plan. The Texas Water Development Board will administer the funds.

**Reverse Mortgages - SJR 18.** Permits use of reverse mortgage to purchase homestead of borrower. This constitutional amendment imposes some minor requirements for use, and creates a new 12-day notice.

VII. ESTATES CODE

CHAPTER IV - EXECUTION AND REVOCATION OF WILLS

**Contested Wills - HB 2380; Davis, Sarah; Amends and repeals Probate Code Section 64; Amends Estates Code Section 254.005; Amends Property Code Section 112.038; Effective Date January 1, 2014 as to Probate Code and Estates Code, September 1, 2013 as to Property Code (trusts).** This bill relates to a provision in a will or trust that would cause a forfeiture of or void an interest as a penalty for bringing any court action regarding the will or trust, including contesting the will or trust. In essence, the legislation modifies the existing law to essentially reverse the burden of proof regarding the enforceability of these forfeiture clauses, such that a forfeiture provision is enforceable unless a court finds that the person who brought an action contrary to the forfeiture clause establishes that (1) there is just cause, and (2) the action is brought and maintained in good faith. In other words, the will or trust contestant now bears the burden of demonstrating that the forfeiture provision is unenforceable.

**Guardianships - HB 2080; Thompson, Senfronia, Naishtat; Amends various sections of the Estates Code; Effective January 1, 2014.** The amendments provide for the mediation of contested guardianship proceeding. A court’s authority to require payment of attorney ad litem fees is also expanded. The use of attorney ad litem is extended to nonresidents, and unknown or missing potential heirs.
Decedents' Estates – HB 2912; Thompson, Senfronia; Amended various sections of the Estate Code; Effective January 1, 2014, but see Section 62 for applicability. This bill makes extensive modifications to the Estate Code through 64 different bill sections over 45 pages. Some of the more significant modifications are:

1) expansion of the use of attorneys ad litem to include missing heirs and unknown or missing persons entitled to a distribution;

2) continuation of homestead protection to a surviving spouse or minor child;

3) defines inheritance for a child under a gestational agreement to be as a child of an intended parent and not the biological parent or gestational mother, unless the biological parent is also the intended parent;

4) a proceeding to declare heirship of a decedent may be brought at any time after the decedent's death; and

5) expanded rights to file an affidavit regarding no unsecured debts and provision of an inventory and appraisement to all distributees, in lieu of filing an inventory, appraisement, and list of claims.

Statutory Durable Powers of Attorney - HB 2918; Thompson, Senfronia; Amends Estates Code Section 752. Effective: January 1, 2014. This bill essentially reverses the process of completing a Statutory Durable Power of Attorney. Powers to be granted must be initialed, and the Principal is no longer required to cross out powers. The principal may initial a global power (N). The legislation includes new notice provisions to the Principal and Agent, and the Durable Power of Attorney may include the power to make gifts.

VIII. FAMILY CODE

TITLE 1 - THE MARRIAGE RELATIONSHIP

Spousal Maintenance and Property Distribution – HB 389 – Thompson, Senfronia; Amends Family Code §§ 8.059, 8.101, 9.001(a), 9.002, 9.006(a) and (b), and 9.009; Effective September 1, 2013. This legislation relates to the enforcement of spousal maintenance and property distribution agreements incident to divorce or annulment. New Family Code § 8.101 now permits a court to order income withholding from the disposable earnings of an obligor to fulfill the obligor’s responsibilities under an agreed spousal maintenance plan. The legislation also expands the authority of courts to enforce property settlement agreements incident to divorce or annulment. These property settlement agreements are now enforceable to the same extent as a division of property provided for in a decree of divorce or annulment.

IX. FINANCE CODE

TITLE 4 - REGULATION OF INTEREST, LOANS, AND FINANCED TRANSACTIONS

Ad Valorem Taxes - SB 247 – Carona; Amends various sections of Finance Code Chapter 351; Adds Finance Code Sections 351.0022 and 351.0023; Amends Tax Code Sections
32.06 and 32.065; Repeals Finance Code Section 32.06(c-1); Effective immediately. Under the new Section 351.0022, a borrower may not waive or limit any requirements imposed on a property tax lender by the Property Tax Lender License Act. The legislation also imposes new notice requirements when soliciting or advertising property tax loan, including that tax offices may provide installment payment plans. More significantly, however, the new law places restrictions and regulations on the transfer of an property tax loan. Under the new law, a person may not sell, transfer, assign, or release rights to property tax loans to persons that are not licensed under Texas Finance Code 351.051 or otherwise exempt from Chapter 351. The specifically delineated exemptions include banks, credit unions, family within the second degree of consanguinity, and persons making 5 or fewer loans in a 12-month period.

The bill also amends provisions of the Tax Code to revise: (1) the procedures for authorizing another person to pay taxes imposed on real property; and (2) the procedures for transferring a property tax lien. Now, a person 65 or older may not authorize a transfer of a tax lien if he or she is eligible to claim an exemption from taxation. Also under the legislation, new payoff request and information requirements are to be adopted by the Finance Commission. The new law further limits the transfer of property tax liens by stating that only delinquent taxes may be subject to a tax lien transfer, and if there is a low income-type lien on property, the borrower may not utilize a property tax loan. The law also provides for automatic subrogation for a mortgage servicer that pays property tax loan secured by a lien. Finally, the bill requires that, in order to foreclose on a transferred tax lien, a judicial foreclosure process must be utilized.

Residential Mortgage Loan Originators - SB 1004; Carona; Amends various sections of Finance Code Chapter 156; Amends and adds various sections to Finance Code Chapters 157 and 158; Repeals various sections of Finance Code Chapters 156, 157, 158, and 180; Effective September 1, 2013. This legislation relates to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending. The changes in law primarily address licensing for residential mortgage loan companies and residential mortgage loan originators. However, the legislation does also clarify the exemption for family loans from the residential mortgage loan originator requirements. Significantly, the exemption now clearly includes sellers financing no more than five residential mortgage loans to purchasers in a 12-month period.

X. GOVERNMENT CODE

TITLE 2-JUDICIAL BRANCH

Barratry - HB 1711; Fletcher; Amends Government Code Section 82.065(h), Section 82.0651, and Texas Penal Code Section 38.12; Effective September 1, 2013. This bill:

1. Specifies that violations of Section 38.12(a) or (b) of the Texas Penal Code or Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct (all regarding barratry by attorneys) serve as a basis to a client to void an attorney-client contract.
2. Enables a client to recover damages for barratry even if the legal services contract with the attorney has been voluntarily voided.

3. Adds "a penalty in the amount of $10,000" as an award for a prevailing client in a barratry. This awardable penalty is in addition to the fees and actual damages that such a client may also recover.

4. Removes the applicability of the expedited actions process in Rule 169 of the Texas Rules of Civil Procedure to barratry actions.

5. Eliminates from the defined barratry offenses the instance of soliciting employment concerning an arrest or issuance of a summons before the 31st day after the date on which the arrest or issuance of summons occurred.

**Archive Fees - HB 1513; Lewis; Amends Texas Government Code Section 51.305(b), Section 51.317 (b); Effective September 1, 2013; Reverts September 1, 2019.**

This legislation raises the court records archive fee cap from $5 to $10 for certain filings and the district court records archive fee cap from $5 to $10 for other filings. The bill also reverts these fees to their original levels on September 1, 2019.

**Confidentiality of Identifying Information for Public Officials - HB 1632; Fletcher; Amends Texas Election Code Section 13.004 (c) and Texas Government Code Section 552.1175; Effective immediately.**

This bill adds federal and state judges to the list of government employees who can have certain information kept from public disclosure. It also adds birth dates to the list of information which can be withheld from the public.

**Title 5 - Open Government, Ethics**

**Open Meeting - Videoconference - HB 2414; Button, Capriglione, Harper-Brown, Coleman, Elkins; Amends Government Code Sections 551.001 and 551.127; Effective Immediately.**

This bill allows members of governmental bodies to communicate online. It provides that participants in a meeting of a governmental body may attend an open meeting via video conference call if certain parameters are satisfied. Previously, governmental bodies could only meet by video conference if a quorum was physically present at one location. It also allows members of a governmental body to communicate through an online message board if certain parameters are satisfied. Because members of governmental bodies may now communicate online, a greater number of these members will be able to participate in meetings and communication, regardless of whether they can physically attend meetings. According to the legislative history, supporters of this bill claim that conducting meetings through videoconference will not decrease public participation in these meetings because the bill also requires the governmental body to make available a conveniently located physical space from which the public could provide testimony or otherwise participate in the videoconference.

**Public Information - SB 1368; Davis; Amends Government Code Section 552.002; Effective September 1, 2013.** Under the Public Information Act, certain records and other material maintained by governmental bodies must be made available to the public. The bill expands the types of records and materials that must be made available to include emails, internet postings, and texts. Also, the bill requires any nongovernmental vendor that contracts
with a state governmental entity and exchanges or creates public information to make such public information accessible to the public. Since private, nongovernmental entities are now required to make such information known, any entity contemplating contracting with the government must be cognizant of this requirement and ensure that the cost of maintaining and disclosing these records will not outweigh the benefits derived from the government contract.

**TITLE 10 - GENERAL GOVERNMENT**

**Texas Department of Housing and Community** - HB 3361; Dutton; Amends various sections under Government Code Chapter 2306 and Occupations Code Chapter 1201; Effective September 1, 2013. This legislation continues the existence of the Texas Department of Housing and Community Affairs (TDHCA) for twelve (12) years until September 1, 2025. Among other things, the TDHCA works to improve the availability of affordable housing and provide funding for community assistance. Among other things, it administers federal and state programs that provide homebuyer assistance, acts as a conduit for federal funds for housing such as housing tax credits, assists low income families with home purchases, and serves as a housing finance agency by managing housing programs requiring the participation of private investors and private lenders. The bill also transfers the DTHCA’s penalty appeals to the State Office of Administrative Hearings (SOAH).

**Capitol View Corridor** - HB 2256; Howard and Naishat; Adds Government Code Section 3151.001; Effective Immediately. This new law defines "Congress Avenue view corridor" and explains that within this view corridor, all new improvements must be: (1) on the west side of Congress Avenue, 60 feet from Congress Avenue and under 90 feet high; and (2) on the east side, 40 feet from Congress Avenue and under 90 feet high. This new legislation is intended to preserve the iconic Congress Avenue view of the capitol building. It is interesting because it recognizes a property interest, albeit a public one, in a sight line.

**XI. HEALTH AND SAFETY CODE**

**Medical Powers of Attorney** - SB 651; Rodriguez; Amends Health and Safety Code Section 106; Effective: September 1, 2013, except Sections 1, 4 - effective: January 1, 2014. Allows signature of a Medical Power of Attorney before a notary public, in addition to the option to sign before two witnesses.

**XII. INSURANCE CODE**

**Title 2 - Texas Department of Insurance**

**Electronic Transmission of Documents** - SB 1074; Hegar; Amends Texas Insurance Code Section 35.001, 35.004, 35.0045, 35.005; Effective September 1, 2013. The purpose of these amendments is to allow entities regulated by the Texas Department of Insurance to conduct business with consumers electronically via email and websites. It allows electronic communication, provided that the business obtains consent from the consumer prior to engaging in electronic communication, and the consumer has not withdrawn this consent. Electronic signatures on electronic communication, including those of a notary public, satisfy any "signature" requirement. The bill also creates notice and disclosure requirements regarding the hardware and software necessary to engage in such electronic communication. This new rule
does not allow any oral communication or a recording of oral communication, such as a voice mail, to qualify as written communication to a consumer. To implement and enforce these new sections, the commissioner is directed to adopt any necessary rules. Many title companies deliver commitments by e-mail. Will consent be required? Will TDI adopt a rule? Will TREC and other contract forms be amended to provide for this up front?

Inquiries by TDI - SB 183; Carona; Amends Texas Insurance Code Section 38.001. Legislative Intent in the Record; Effective September 1, 2013. The bill changes the initial number of days individuals have to respond to Texas Department of Insurance (TDI) requests for information from 10 to 15 days, and provides for a mandatory additional 10 day extension upon request from the regulated party. However, the legislators established legislative history to confirm that the TDI still maintains discretion to provide additional extensions at its discretion.

TITLE 5 - PROTECTION OF CONSUMER INTERESTS

TDI - Fraud Investigation - SB 411; Carona; Amends Texas Insurance Code - Section 701.108; Effective September 1, 2013. This bill relates to insurers' duty to provide information in a fraud investigation. If an insurer receives a written request from a governmental agency regarding such an investigation, it must respond within 15 days after the request is received. On written request of the insurer, the department shall extend the period 10 days. As noted for SB 183, additional requests for an extension of time may be granted in the discretion of TDI.

TITLE 11 - TITLE INSURANCE

Payments in connection with title insurance policy - HB 3106; Morrison; Adds Insurance Code, Sections 2502.057 and 2551.305(e); Effective September 1, 2013. This bill relates to: (1) compensatory payments for furnishing title evidence related to a utility project; and (2) reinsurance agreements made in connection with the issuance of title insurance. Specifically, it provides for payment for furnishing title evidence in connection with an electric energy project. If the payment is a flat fee, it may not exceed $25,000. However, the payment may also be a certain percentage of the title insurance premium. But, the total cost may not exceed promulgated rates for title insurance, and any payment made must be credited against the title insurance premium charged for the issuance of the title insurance policy for which the evidence is furnished. With regard to reinsurance, if reinsurance is not available from a title insurer, a title insurance company may go outside the title industry to institutions with a financial strength rating of B+ or better (an affidavit supporting this necessity must be provided to TDI).

XIII. LOCAL GOVERNMENT CODE

TITLE 2 - ORGANIZATION OF MUNICIPAL GOVERNMENT

Municipalities filing liens - HB 1554; Rodriguez, Justin; Amends Local Government Code, Section 54.012; Adds Local Government Code, Section 54.020; Effective September 1, 2013. This bill allows municipalities to abate any violation of a floodplain ordinance by performing reasonable work necessary to bring the property into compliance. It also allows municipalities to file a civil action regarding such a violation, or to file a lien for any costs incurred abating the floodplain ordinance violation. To perfect any lien under this law, the
municipality must record notice of the lien. The lien is inferior to a "previously recorded bona fide mortgage lien," but superior to judgment liens.

**Ordinances** - **SB 654; West; Amends Local Government Code 54.012; Effective September 1, 2013.** This bill allows for the enforcement of a municipality’s water conservation and animal care and control ordinances by civil action or quasi-judicial enforcement. Therefore, municipalities may now implement and enforce ordinances for: (1) animal care and control; and (2) water conservation and restrictions.

**Title 7 - Regulation of Land Use, Structures, Businesses and Related Activities**

**County and Municipal Land Development** - **SB 1599; Zaffirini; Amends Government Code Section 405.021, Local Government Code Sections 232.022, 232.023 and 232.072, Water Code Section 16.343; Effective September 1, 2013.** This bill relates to county and municipal land development regulation. Now, platting is required for subdivided property if any one lot in the subdivision is five acres or less. Further, if no lot is less than five acres, but at least one lot is 10 acres or less, a commissioners court may order platting. Counties must also adopt platting rules. Additionally, now a municipality or county may nominate an area for identification as a colonia.

**Title 12 - Planning and Development**

**Replatting of a Subdivision** - **HB 1553; Rodriguez, Justin; Amends Local Government Code Section 212.0146; Effective May 18, 2013.** Section 212.0146(a) has been amended so that the entirety of Local Government Code Section 212.0146 now applies to municipalities with a population of only 1.3 million, rather than the previous 1.9 million requirement. Therefore, this section will now apply to San Antonio and Dallas. It will also continue to apply to Houston, which met the previous 1.9 million population requirement. Section 212.0146 governs the replatting of a subdivision without vacating the preceding plat.

**Water and Energy Assessments** - **SB 385; Carona; Adds Local Government Code, Chapter 399; Effective June 14, 2013.** This bill includes the newly enacted Property Assessed Clean Energy Act. It allows local governments to create a program in which they enter into written contracts with real property owners to impose assessments to repay the owner’s financing of improvements designed to decrease water or energy consumption or demand. A qualified project may occur on commercial, industrial, or residential property with five or more dwelling units. Any holder of a mortgage lien must provide written consent before a local government may enter into a contract with the owner of the property allowing for the imposition of assessments. Any contractual assessment lien created under these provisions “is a first and prior lien” with the same character as an ad valorem tax lien.

**XIV. NATURAL RESOURCES CODE**

**Title 2 - Public Domain**

**Red River Boundary Compact** - **HB 3212; Phillips; Amends Texas Natural Resources Code Section 12.001; Adds Sections 12.051-.057; Effective: June 14, 2013.** This bill creates a
Commission to oversee redrawing the boundary between Texas and Oklahoma in the Texoma region. The Commission is to work with representatives of the State of Oklahoma to amend the Texoma Area Boundary Agreement in 2015.

**Protection of Coastal Areas** - HB 3459; Eiland; Amends Natural Resources Code Sections 61.001, 61.016; Adds Natural Resources Code Section 61.0171; Effective September 1, 2013. This bill relates to determinations of the location of the “line of vegetation” – the boundary which marks the beginning of free, unrestricted, state-owned beaches. It accounts for "meteorological events" that alter the location of the line of vegetation. Meteorological events means "atmospheric conditions or phenomena resulting in avulsion, erosion, accretion, or other impacts to the shoreline that alter the location of the line of vegetation." The legislation allows the land commissioner to suspend actions to determine a “line of vegetation” when the line was obliterated as a result of a meteorological event. It also provides that the "line of vegetation" is not affected by beach nourishment projects or artificial placement of dredged or fill material. Once defined, the line of vegetation shall constitute the landward boundary of the area subject to a public easement until the line of vegetation moves landward due to a subsequent meteorological event, erosion, or public use, or until a final court adjudication establishes the line in another place.

**XV. PROPERTY CODE**

**TITLE 2 – CONVEYANCES**

**Correction Instruments** - SB 887; Lucio, III, Bonnen, Gregg, Villarreal; Amends Subsection (a) and adds Subsection (a-1) of Property Code Section 5.028, and amends Subsection (b) and adds Subsection (c) to Property Code Section 5.030. Effective: September 1, 2013. Relating to certain correction instruments in the conveyance of real property. A person with personal knowledge may prepare the document to correct a nonmaterial matter. Nonmaterial matters include a clerical error reference to a plat or other plat information, or block number. Nonmaterial matter also includes an inadvertent error arising from:

1. A legal description prepared in connection with the preparation of the original instrument, but inadvertently omitted from the original instrument; or

2. An omitted call in a metes and bounds legal description that completes the description of the property.

A correction instrument replaces and is a substitute for the original instrument; however, it is subject to the property interest of a creditor or a subsequent purchaser for valuable consideration without notice acquired on or after the date of the original instrument.

**TITLE 5 - EXEMPT PROPERTY AND LIENS**

**Posting a foreclosure** - HB 584; Rodriguez, Eddie; Amends Property Code Section 51.002. Effective: September 1, 2013. Relating to the posting of a notice of foreclosure sale on a county's Internet website. If a county maintains an Internet website, the county must post a notice of sale filed with the county clerk on the website on a page that is publicly available for viewing without charge or registration.
Exempt from Seizure by Creditors - SB 649; Thompson, Senfronia; Amends Insurance Code Section 1108.052 and Property Code Sections 42.0021(a) and (b). Effective: September 1, 2013. Relating to the exemption of certain property from seizure by creditors. This bill adds Roth IRA's to exempt property.

Assignment of Rents - SB 848; Carnoa; Amends Subdivisions (1), (3), (4), and (9) of the Property Code 64.001, amends Property Code Sections 64.051, 64.052, 64.053, Subsections (a) and (b) of Section 64.054, Subsections (a), (c), (d), and (e) of Section 64.055, Section 64.058, and Subsections (a) and (d) of Section 64.060. Effective: June 14, 2013. Relating to assignment of rents to holders of certain security instruments in real property. An assignor is any person making a security interest affecting real property. "Rent" does not include mineral lease payments or royalties.

**TITLE 7 - CONDOMINIUMS**

Condominium Unit Owners' Associations - HB 2075; Anchia; Amends Property Code Section 82.002(c), 82.113(g). Effective: September 1, 2013. Prospective only, except as to recording of management certificates. Relating to the operation of certain condominium unit owners' associations. This bill creates association rights to borrow money or buy insurance and assign lien rights to the lender to secure the loan. The legislation also creates a unit owner right to redeem from a third party purchaser at a foreclosure sale of an association's lien for assessments. (still 90 days).

Management Certificates - HB 2075; Anchia; Amends Property Code § 82.116; Effective: September 1, 2013. Beginning 9/1/13, when a management certificate is filed with a County Clerk, the County Clerk must index the certificate as a certain type of document. All 256 County Clerks in Texas must use the same words - either "Condominium Association Management Certificate" or "Property Owners Association Management Certificate" - depending on which Chapter of the Property Code applies to the property - Chapter 82 or Chapter 209.

This means that a Condo POA must record a new management certificate during the four month window of 9/1/13 - 1/1/14. Why? So the County Clerk can re-index it under the new classification scheme. The new duty applies only to a POA that recorded a management certificate before 9/1/13. The new law does not specifically speak to a POA that should have recorded a certificate before 9/1/13, but did not. However, those POAs are required by the 1993 law to record certificates. Because the contents of the certificate have not changed, a POA should re-record the old certificate, even though the law specifies "new." The subsection requiring action by the POA during the last four months of 2013 expires on 1/1/15.

**TITLE 8 – LANDLORD & TENANT**

Interruption of Utilities – HB 1086; Rodriguez, Eddie; Amends Property Code Section 92.008. Effective: September 1, 2013. A landlord who submeters utilities must give notice of a proposed termination/interruption. The notice has a number of requirements. The interruption is subject to certain weather limitations and the health of the tenant.

Disconnection of Utility Service – HB 1722, Turner, Chris; Adds Property Code Section 92.302 and Utility Code Sections 17.201-.203, 104.351-.353. This legislation imposes notice
requirements to interrupt nonsubmetered utilities to multi-family property of at least 10 dwellings.

**Obligations and Limitations of Landlords** - SB 630; Carona; Adds Property Code, Section 92.024; amends Property Code, Section 92.331(a). Effective: January 1, 2014. Relating to certain obligations of and limitations on residential landlords. A landlord must provide a copy of the lease, but may do so by e-mail if prior communications have been handled this way. A landlord may not retaliate because a tenant is involved with a tenant organization.

**Tenant's lease obligation after a natural disaster** - SB 1120; West; Adds Property Code, Section 92.062. Effective: January 1, 2014. Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster. If a natural disaster causes relocation of a tenant, the landlord may not require a new lease for a term longer than the balance of the existing lease term.

**TITLE 11 - RESTRICTIVE COVENANTS.**

**POA's Authority** - HB 35; Menendez; Adds Property Code, Section 209.015. Effective: June 14, 2013. Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes. Allows use of adjacent lot for garage, playground, septic system, swimming pool, and other "residential purposes," including, maybe an RV. An owner still must satisfy any architectural committee. Perhaps most importantly, the original limitations apply on resale of the adjacent lot. Will this affect the validity of a transfer of title?

**Contracting with Directors** - HB 503; Hernandez, Luna; Adds Section 209.0052 to the Property Code. Effective September 1, 2013. Beginning 9/1/13, the board of a POA may enter into an "enforceable" contract with its directors, related persons, and controlled entities for goods or services if certain conditions are met. The conditions do not apply during the "development period." Chapter 209's new conditions apply whether or not the POA is incorporated. (Incorporated POAs have additional requirements.) The term "enforceable" is undefined.

This legislation also adds "Development Period" to the Definitions Section of the Property Code by adding Subsection (4-a) to Section 209.002. "Development period" means a period stated in a declaration during which a declarant reserves: a) a right to facilitate the development, construction, and marketing of the subdivision; and b) a right to direct the size, shape, and composition of the subdivision.

**Appoint of Directors** - HB 3176; Bohac; Amends Property Code § 209.00593(a); Effective September 1, 2013. The board may appoint a person to fill a vacancy on the board regardless of the reason for the vacancy. The appointee serves until the position's term expires, at which time the seat must be filled by election.

**POA's Dedicatory Instruments regarding flags** - HB 680; Burkett, Bohac, Fletcher, Deshotel, Workman; Amends Property Code, Sections 202.001 and 202.011. Effective: June 14, 2013. Relating to provisions in the dedicatory instruments of property owners' association regarding display of flags. You can build a flagpole (20' high) - if you have a front yard (15' setback).
POA's - Operation of Master Mixed-Use - HB 1824; Harper-Brown, Ratliff; Amends various sections of Property Code, Chapter 215. Effective: September 1, 2013. [Applies to Las Colinas only; exempts it from Chapter 209]. Relating to the operation of master mixed-use property owners’ associations. Includes provisions for amendments, inspection of books and records. The legislation provides for notice before enforcement actions, and it creates a right to a hearing.

Recording and Indexing POA's management certificates - HB 3800; Coleman; Amends Property Code, Section 209.004. Effective: September 1, 2013. Relating to the recording and indexing of property owners' association management certificates in the county real property records. This requires the county clerk to record and index a management certificate as a 'Property Owners' Association Management Certificate.'

Restrictive Covenants for landscaping - SB 198l Watson; Amends Property Code, Section 202.007. Effective: September 1, 2013. Relating to restrictive covenants regulating drought-resistant landscaping or water-conserving natural turf. This legislation specifically permits "drought-resistant landscaping or water conserving natural turf." This does not mean "gravel, rocks, or cacti." The POA may still require approval of a landscaping plan.

TITLE 12 - MISCELLANEOUS

Timeshare Owners' Association - SB 1372. Adds Subchapter 1, Sections 221.04 et seq. to the Property Code. Timeshare associations in Texas are governed by the new Subchapter I of the Texas Timeshare Act, which borrows bits and pieces of the 2011 POA Reform Laws, and borrows the Texas Uniform Condominium Act's concept of "period of declarant control." The legislation limits and defines significant development rights and duties. Timeshare Associations are not POA's. Beginning 9/1/13, the sale of timeshares is exempt from the following parts of the Property Code relating to residential contracts of sale and resales: Section 5.008 (Seller's Disclosure Notice); Section 5.012 (POA membership notice); Chapter 202 (Restrictive Covenants); Chapter 207 (POA disclosure requirements); and Chapter 209 (Texas Residential Property Owners Protection Act) unless the timeshare is the owner's primary residence year round.

XVI. TAX CODE

TITLE 1 - PROPERTY TAX CODE

Partially Disabled Veteran - HB 97; Perry, White, Flynn, Farias, Miller, Rick; Adds Tax Code Sections 11.132 and 26.1127; Amends Tax Code Sections 11.42(c), 11.43 (c) and (k), 11.431(a), 26.10(b), and 31.031(a). Effective: January 1, 2014. Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization. This legislation appears to exempt the property from taxation for the entire year, even if received at some later time in the year.

403.302. Effective: January 1, 2014. Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action. The exemption is transportable to newly acquired property.

**Notices by certified mail** - HB 242; Otto; Amends Tax Code Section 1.07(d). Effective: January 1, 2014. Relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail. The newly added provisions add certified mail requirements for notices relating to various roll-back scenarios.

**Exemptions for land owned by school** - HB 561; Workman, Eiland, Naishtat; Adds Tax Code Section 23.55(q). Effective: June 14, 2013. Relating to an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as qualified open-space land. Schools can avoid roll-back taxes if the acquired land is converted to school use within 5 years.

**Penalties and Interest** - HB 1913; Bohac, Zedler; Amends Tax Code Sections 33.011 and 33.04. Effective: September 1, 2013. Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes. A request for a waiver of penalties and interest under Subsection (i) must be made before the 181st day after the date the property owner making the request receives notice of the delinquent tax that satisfies the requirements of Section 33.04(b). Subsection (i) is newly added and reads:

> (i) The governing body of a taxing unit may waive penalties and interest on a delinquent tax that relates to a date preceding the date on which the property owner acquired the property if:

1. the property owner or another person liable for the tax pays the tax not later than the 181st day after the date the property owner receives notice of the delinquent tax that satisfies the requirements of Section 33.04(b); and

2. the delinquency is the result of taxes imposed on:
   a) omitted property entered in the appraisal records as provided by Section 25.21;
   b) erroneously exempted property or appraised value added to the appraisal roll as provided by Section 11.43(i); or
   c) property added to the appraisal roll under a different account number or parcel when the property was owned by a prior owner.

Pursuant to new subsection (j):

The governing body of a taxing unit may waive penalties and interest on a delinquent tax if the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency date to:
1. the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer’s payment being postmarked after the delinquency date; or

2. a private delivery service for delivery, but an act or omission of the private carrier resulted in the taxpayer’s payment being received by the taxing unit after the delinquency date.

New Section 33.04(b) is added to state:

(b) If the delinquency is the result of taxes imposed on property described by Section 33.011(i), the first page of the notice must include, in 14-point boldfaced type or 14-point uppercase letters, a statement that reads substantially as follows: "THE TAXES ON THIS PROPERTY ARE DELINQUENT. THE PROPERTY IS SUBJECT TO A LIEN FOR THE DELINQUENT TAXES. IF THE DELINQUENT TAXES ARE NOT PAID, THE LIEN MAY BE FORECLOSED ON."

Delinquent Tax Liens on Manufactured Homes - HB 3613; Burnam, Mioles, Gonzalez, May; Amends Tax Code Section 32.015(a); Amends Occupations Code Section 1201.219. Effective: September 1, 2013. Relating to the release of delinquent tax liens on manufactured homes. Personal property tax liability has a 4-year statute of limitations.

Transfer of Ad Valorem Tax Lien - SB 247; Carona; Amends Texas Finance Code - Subsection (c), Section 351.0021, Subchapter A, Chapter 352, Adds Sections 351.0022, 351.0023, Section 351.003, Subsection (c), Section 351.051, Subsection (a), Section 351.054. Amends Texas Tax Code - Section 32.06, Subdivision (2), Subsection (a), Section 32.06, Section 32.065. Repeals Tax Code Section 32.06(c-1). Effective: May 29, 2013. This bill creates comprehensive reform of ad valorem tax lending practices, but it still preserves a first lien status for the tax lender. The bill provides for more certain consumer information to be disclosed prominently in advertisements. The alienability of a tax lien is limited to licensed parties (under Sec. 351.051 Finance Code). The practice of “evergreening” is prohibited and loans to certain consumers are not permitted. Most significantly, this bill requires judicial foreclosure for ad valorem liens.

Delivery/Notice Requirements - SB 1224; Taylor; Amends Tax Code Section 1.08. Effective: June 14, 2013. Relating to the use by a property owner of a common or contract carrier to send a payment, report, application, statement, or other document or paper to a taxing unit or taxing official. This bill permits the use of a common or contract carrier, but the taxpayer must show timely receipt by taxing entity or proof of deposit on or before due date.

XVII. TRANSPORTATION CODE

Title 6 - Roadways.

Abandonment of a County Road - SB 1487; Watson; Amends 251.057 (b), Transportation Code. Effective: June 14, 2013. Relating to the abandonment of a county road. A county road to a cemetery, enclosed with a fence continuously for 20 years, is considered abandoned so long as the owner agrees to provide reasonable access otherwise to the cemetery.
XVIII. WATER CODE

TITLE 2 - WATER ADMINISTRATION.

Eminent Domain - SB 655; Birdwell; Adds Special District Local Laws Code, Section 1.004; adds Water Code, Section 1.005. Effective: May 18, 2013. Relating to the exercise of the power of eminent domain by certain authorized entities. The eminent domain power of special districts and entities governed by the Water Code is limited to "a public use."

XIX. WHAT DID NOT PASS

A number of important bills did not pass:

Foreclosure on Deceased Mortgagors (an expedited process with improved notice requirements).

Index to Civil Cases (new charges).

Adverse Possession by Cotenant Heirs.

File and Use System for title insurance rates.

Fraudulent Liens (expansion and limitations on the definition).

Mechanic's Liens for Interior Decorators, Security Services.

Photo ID requirement to record documents.

Mechanic's Liens rewrite.

Mineral Lease priority over a prior recorded lien.

Additional records fees.

Format specifications for documents to be recorded.

Continuing education requirements for notary publics.

Automatic transfer of Owner's Policies in connection with estate planning.

Adverse possession by squatters.

XX. FUN FACTS

Cold Beer Here! - SB 1090. Signed by the Governor 6/14/13, became law 9/1/13. Relating to the manufacture, distribution, sale, and provision of alcoholic beverages and the regulation of those activities. This bill permits certain direct retail sales by microbreweries.
No tax on "good" snacks? - SB 1151. Signed by the Governor 6/14/13, became law effective 9/1/13. Relating to sales and use tax treatment of certain snack items. Items labeled as "candy" or sold in vending machines are not included, but bars, mixes, nuts, popcorn, chips, crackers, and hard pretzels are. Did they say "chips"?

Sales Tax Free Weekend moved up - August 9, 2013 - SB 485. Signed by the Governor 6/14/13 and became law effective immediately. Relating to the sales tax exemption period for clothing and footwear.

No tax on concessions by the Booster Club - HB 697. Signed by the Governor 6/14/13 becomes law effective 9/1/13. Relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.

Less class time to a CHL - SB 864. Signed by the Governor 5/24/13 becomes law effective 9/1/13. Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

Kemp’s Ridley Sea Turtle is the official State Sea Turtle - HCR 31. Designating the Kemp's ridley sea turtle as the official State Sea Turtle of Texas.

February 16 is Homemade Pie Day (but only for 10 years) - HCR 36. Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.

Pecan Pie is the official State Pie of Texas - HCR 53. Designating pecan pie as the official State Pie of Texas.

Pumpkin is the official State Squash of Texas - HCR 87. Designating the pumpkin as the official State Squash of Texas.

Floydada is pumpkin capital - HCR 84. Designating Floydada as the Pumpkin Capital of Texas.

Peach Cobbler is the official Cobbler of Texas - HCR 102. Designating peach cobbler as the official cobbler of Texas.

Garland is the Cowboy Hat Capital of Texas - HCR 96. Designating Garland as the Cowboy Hat Capital of Texas.

XXI. CONCLUSION

Thus, while less than one-fourth of the bills filed actually passed, this did result in almost 1,500 new laws. While the foregoing has attempted to identify those most relevant to real estate and title insurance, it behooves one to always check the current version of the statutes applicable to the particular situation. As always, there were a significant number of bills that did not pass – many of those thankfully. Complete text and histories can be found on the Texas Legislature website which is www.capitol.state.tx.us. The website is easily searchable and well-organized.

Remember to change your Statutory Durable Power of Attorney form!
Session Overview

- 83rd Texas Legislative Session
  - The Texas Constitution, Section 39, Article III, make the effective dates of legislation ninety-one days after adjournment of the regular session, unless otherwise specified.
  - For the 83rd Legislature's Regular Session this date is Monday August 26, 2013.
  - Most bills specify an effective date, typically September 1.
  - If another date applies, the bill discussion herein so notes
  - Filibuster (prolonged discussion of bill intended to delay legislative action)
  - Special sessions
Session Overview

- Hot Topics
  - Budget
  - Education
  - Redistricting
  - Transportation
  - Water
  - Social Issues

Session Stats

- Bills Filed = 6,130  (vs. 5796 in 2011)
- Bills signed into Law = 1442 (23.5%)
- Vetoes = 26

Approximately 200 affect real estate and title insurance
Agriculture Code
Title 7- Soil and Water Conservation
Wind Erosion Conservation District-HB 2153

- Relating to the abolition of wind erosion conservation districts.
- Essentially directs county judge to dissolve "wind erosion conservation districts," if any in county, as soon as possible.
- Will eventually eliminate the "first and prior" lien available to secure assessments.
- Repeals Texas Agriculture Code, Chapter 202.
- Effective: June 14, 2013.
**Agriculture Code**  
Title 6- Production, Processing and Sale of Animal Products Trespassing Animals-HB 1819

- Adds sheep and goats to protected class of animals which cannot be harmed for trespassing (dogs are not so protected)
- This includes the use of a gun, or a dog, to harm the trespassing animal.

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**Business Organizations Code**  
Title 1- General Provisions  
Business Entities and Associations- SB 847

- Provides that a general partnership, limited partnership, or a limited liability company may limit the liability of its governing persons with respect to the entity or its owners.
- Provides that series limited liability companies are not separate domestic entities or organizations.
- Allows rights to be provided to a third person by company or partnership agreements.
- Effective: September 1, 2013.
**Business & Commerce Code**
**Title 1- Uniform Commercial Code**
**UCC- SB 474**

- Deletes certain requirements for information related to a debtor entity

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**Civil Practice and Remedies Code**
**Title 2- Trial, Judgment and Appeal and**
**Government Code Title 2 – Judicial Branch**
**Expedited Judicial Foreclosures under private power of sale- HB 2978**

- Relating to procedures for service of citation in expedited judicial foreclosure proceedings.
- Court may order mediation (mediation must take place within 29 days after motion for default by petitioner).
  - Parties may agree to waive mediation process.
- So many roadblocks to mediation, it is not likely to be used.
- Supreme Court to promulgate forms. The forms are more important than the mediation.
- Effective: June 14, 2013.
The Constitution
Partially Disabled Veterans-HJR 24

- Constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of part of the market value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.
- Amends Texas Constitution, Article VIII, Section 1-b.
- Effective: January 1, 2014.

Veteran killed in Action- HJR 62

- Constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.
- Amends Texas Constitution, Article VIII, Section 1-b
- Effective: January 1, 2014.
State Water Implementation Fund-SJR 1

- Constitutional amendment for the creation of the State Water Implementation Fund for Texas to assist in the financing of priority projects in the state water plan.
- Amends Texas Constitution, Article III, by adding Sections 49-d-12 and 49-d-13
- Effective: January 1, 2014.
Constitutional amendment regarding reverse mortgages- SJR 18

- Permits use of reverse mortgage to purchase homestead of borrower.
- Creates new 12 day notice
### Estates Code-
**Chapter IV- Execution and Revocation of Wills**
**Contested Wills- HB 2380**

- Relating to a provision in a will or trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting the will or trust.
- Changes existing law to essentially reverse the burden of proof such that a forfeiture provision is enforceable unless a court finds that the person who brought an action contrary to the forfeiture clause establishes that (1) there is just cause, and (2) the action is brought and maintained in good faith.
- Similar provision for trusts.
- Amends and repeals Probate Code, Section 64; amends Estates Code, Section 254.005; amends Property Code, Section 112.038.
- Effective Date: January 1, 2014 as to Probate Code and Estates Code; September 1, 2013 as to Property Code (trusts).

### Guardianships- HB 2080

- Provides for mediation of contested guardianship proceeding.
- Expands authority to pay attorney ad litem fees.
- Expands use of attorney ad litem to nonresidents, and unknown or missing potential heirs.
Decedents' Estates- HB 2912

- Continues homestead protection for a spouse or minor children of decedent.
- Proceeding to declare heirship may be brought at any time after the decedent's death.
- Gestational Agreements- intended parent is the parent.
- Expanded rights to use Affidavit instead of inventory.

Statutory Durable Powers of Attorney- HB 2918

- Reverses the process of completing a Statutory Durable Power of Attorney.
  - Must initial powers.
  - Not required to cross out.
  - May initial global power (N).
- Adds notice provisions to Principal and Agent.
- May provide for power to make gifts.
- Effective: January 1, 2014.
Family Code
Title 1- The Marriage Relationship Spousal Maintenance and Property Distribution- HB 389

- Relating to the enforcement of spousal maintenance and property distribution agreements incident to divorce or annulment.
- Permits income to be withheld from disposable earnings for agreed spousal maintenance
- Expands authority of Court to enforce property settlement agreements
- Amends Family Code Sections 8.059, 8.101, 9.001(a), 9.002, 9.006(a) and (b), and 9.009
- Effective: September 1, 2013
Finance Code
Title 4- Regulation of Interest, Loans, and Financed Transactions Ad Valorem Taxes-SB 247

- Relating to the transfer of an ad valorem tax lien; providing an administrative penalty.
- Borrower may not waive property tax lender requirements.
- Creates new solicitation notices.
- Limits sale, transfer, assignment, or release of tax loans to specific person licensed under Texas Finance Code 351.051.
  - Exemptions include banks, family within second degrees of consanguinity and persons making 5 or fewer loans in a 12 month period.
- No tax lien transfers for persons 65 or older.
- New payoff request and information requirements are to be adopted by the Finance Commission.
Ad Valorem Taxes-SB 247

- Only delinquent taxes may be subject to a tax lien transfer.
- If a low income type lien on property, the borrower may not utilize a property tax loan.
- Provides for automatic subrogation for a mortgage servicer that pays property tax loan secured by a lien.
- Judicial foreclosure required.
- Amends various sections of Finance Code Chapter 351; Adds Finance Code Sections 351.0022 and 351.0023; Amends Tax Code Sections 32.06 and 32.065; Repeals Finance Code Section 32.06(c-1).
- Effective: May 29, 2013.

Residential Mortgage Loan Originators-SB 1004

- Relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending; changing a fee.
- Primarily addresses licensing for mortgage loan originators.
- Clarifies exemption for family loans.
- Seller financing for no more than 5 in a 12 month period are exempted.
- Amends various sections of Finance Code Chapter 156; Amends and adds various sections to Finance Code Chapter 157; Repeals various sections of Finance Code Chapters 15, 156, 157, and 180.
- Effective: September 1, 2013.
11/25/2013

Government Code
Title 2- Judicial Branch
Barratry-HB 1711

1. Specifies instances of barratry in which a contract for legal services can be voided by a client, as being violation of Section 38.12(a) or (b) of the Texas Penal Code or Rule 7.03 of the Texas Disciplinary Rules of Professional Conduct.
2. Enables a client to recover damages for barratry even if the legal services contract with the attorney has been voluntarily voided.
3. Adds "a penalty in the amount of $10,000" as an award for a prevailing client in a barratry.
4. Removes applicability of the expedited actions process in Rule 169 of the Texas Rules of Civil Procedure to barratry actions.
5. Eliminates from the defined barratry offenses the instance of soliciting employment concerning an arrest or issuance of a summons before the 31st day after the date on which the arrest or issuance of summons occurred.
   - Amends Government Code Section 82.065(h), Section 82.0651, and Texas Penal Code Section 38.12.
   - Effective: September 1, 2013.
Archive Fees- HB 1513

- Raises the court records archive fee cap from $5 to $10 for certain filings. The bill also reverts these fees to original levels on September 1, 2019.
- Texas Government Code- Section 51.305(b), Section 51.317 (b).
- Effective: September 1, 2013.
- Reverts: September 1, 2019.

Confidentiality of Identifying Information for Public Officials- HB 1632

- Adds federal and state judges to the list of government employees who can have certain information kept from public disclosure and adds birth dates to the list of information which can be withheld from the public.
- Texas Election Code Section 13.004 (c).
- Texas Government Code Section 552.1175.
Government Code
Title 5- Open Government, Ethics
Open Meeting- Videoconference- HB 2414

- Provides that a participant may attend an open meeting via video conference call if certain parameters are satisfied
- Proves for use of an online message board, but which shall not constitute a meeting

Government Code
Title 5- Open Government, Ethics
Public Information- SB 1368

- Expands definition to include emails, internet postings, and texts
Government Code
Title 10- General Government
Texas Department of Housing and Community- HB 3361

- Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.
- Continues TDHCA for 12 years.
- Implements proceedings before the State Office of Administrative Hearings (SOAH).
- Amends various sections under Government Code Chapter 2306; Amends various sections under Occupations Code Chapter 1201.
- Effective: September 1, 2013.

Capitol View Corridor- HB 2256

- Defines "Congress Avenue view corridor"
- Within view corridor, improvement must be
  - On west side 60 feet from Congress Avenue under 90 feet high
  - On east side 40 feet from Congress Avenue under 90 feet high
Health and Safety Code
Medical Powers of Attorney- SB 651

- Allows signature of a Medical Power of Attorney before a notary public.
- Effective: September 1, 2013, except Sections 1,4-effective: January 1, 2014

Insurance Code
Title 2- Texas Department of Insurance
Electronic Transmission of Documents- SB 1074

- Intended to allow consumers to conduct business electronically via email and websites, sets forth the requirement for consent from the consumer to receive communications electronically and to withdraw consent.
- Permits use of electronic transmission if the recipient has affirmatively consented.
- Creates notice and disclosure requirements.
- Voice mail does not comply.
- Electronic signature of notary okay.
- The commissioner shall adopt rules necessary to implement and enforce.
- Texas Insurance Code- Section 35.001, Section 35.004, 35.0045, 35.005.
- Effective: September 1, 2013.
Inquiries by TDI- SB 183

- Changes the amount of days allowed for a response from TDI for requests for information from 10 to 15 days and provides for a mandatory additional 10 day extension upon request from the regulated party. Note, legislators established legislative history to confirm that the TDI still maintains discretion to provide additional waivers at their discretion.
- Texas Insurance Code Sec. 38.001.
- Legislative Intent in the Record.
- Effective: September 1, 2013.

Insurance Code
Title 5- Protection of Consumer Interests
TDI- Fraud Investigation- SB 411

- Relating to insurers' duty to provide information in a fraud investigation.
- Insurer must respond within 15 days after request is received.
- On written request of the insurer, the department shall extend the period 10 days.
- Amends Texas Insurance Code- Sec. 701.108.
- Effective: September 1, 2013.
Insurance Code
Title 11- Title Insurance
Payments in connection with title insurance policy- HB 3106

- Relating to compensatory payments and reinsurance agreements made in connection with the issuance of title insurance.
- Provides for payment for furnishing title evidence in connection with an electric energy project.
  - It may be a flat fee not to exceed $25,000.
  - It may be a % of premium.
  - Total cost may not exceed promulgated rates for title insurance.
- If reinsurance is not available from a title insurer, a title insurance company may go outside the title industry (B+ or better).
- Adds Insurance Code, Sections 2502.057 and 2551.305(e).
- Effective: September 1, 2013.

Local Government Code
Title 2- Organization of Municipal Government
Municipalities filing liens- HB 1554

- Relating to the authority of municipalities to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.
- Must be recorded.
- The lien is inferior to a "previously recorded bona fide mortgage lien," but superior to judgment liens.
- Effective: September 1, 2013.
Local Government Code
Title 2-Organization of Municipal Government
Ordinances- SB 654

- Municipality may implement and enforce ordinances for
  - Animal care and control
  - Water conservation and restrictions
Local Government Code
Title 7- Regulation of Land Use, Structures, Businesses and Related Activities
County and Municipal Land Development- SB 1599

- Relating to county and municipal land development regulation.
- Platting is required for subdivided property if any one lot is five acres or less. If any one lot is 10 acres or less, commissioners court may order platting.
- Counties must adopt platting rules.
- Red target is colonias.
- Effective: September 1, 2013.

Local Government Code
Title 12- Planning and Development
Replatting of a Subdivision- HB 1553

- Relating to the replatting of a subdivision without vacating the preceding plat in certain municipalities.
- Includes Dallas and San Antonio with Houston to approve replats amending, removing, or violating platted restrictions (such as building setbacks) or public utility easements.
- Amends Local Government Code, Section 212.0146.
- Effective: May 18, 2013.
Water and Energy Assessments-SB 385

- Relating to authorizing assessments for water and energy improvements in regions designated by municipalities and counties; imposing a fee.
- Creates a program to install improvements to decrease water or energy consumption or demand. Includes assessments.
  - Commercial, industrial, or residential property with five or more dwelling units.
  - Holder of a mortgage lien must provide written consent
- The contractual assessment lien "is a first and prior lien" with the same character as an ad valorem tax lien.
- Adds Local Government Code, Chapter 399.
- Effective: June 14, 2013

"OK, ma'am, you said you warned your husband to put the newspaper down or you'd blow him away... Did he respond?"
### Natural Resource Code
**Title 2- Public Domain**
**Red River Boundary Compact- HB 3212**

- Relating to the Red River Boundary Compact and the creation of the Red River Boundary Commission.
- Creates a commission to oversee redrawing the boundary between Texas and Oklahoma in the Texoma region.
- Amends Texas Natural Resources Code Section 12.001; Adds Sections 12.051-.057.
- Effective: June 14, 2013.

### Protection of Coastal Areas- HB 3459

- Relating to access to and protection of certain coastal areas.
- Accounts for "meteorological events" that alter the location of the line of vegetation.
- The "line of vegetation" is not affected by beach nourishment projects or artificial placement of dredged or fill material.
- The line of vegetation shall constitute the landward boundary of the area subject to a public easement.
- Amends Natural Resources Code Sections 61.001, 61.016; Adds Natural Resources Code Section 61.0171
- Effective: September 1, 2013
Property Code-
Title 2- Conveyances
Correction Instruments- SB 887

- Relating to certain correction instruments in the conveyance of real property.
- Amends Subsection (a) and adds Subsection (a-1) of Property Code Section 5.028, and amends Subsection (b) and adds Subsection (c) to Property Code Section 5.030.
- Effective: September 1, 2013.
Correction Instruments- SB 887

- A person with personal knowledge may prepare the document to correct a nonmaterial matter.
- Nonmaterial matters include a clerical error reference to a plat or other plat information, or block number.
- Nonmaterial matter includes an inadvertent error arising from:
  1. A legal description prepared in connection with the preparation of the original instrument, but inadvertently omitted from the original instrument; or
  2. An omitted call in a metes and bounds legal description that completes the description of the property.

Correction Instruments- SB 887

- A correction instrument
  - Replaces and is a substitute for the original instrument.
  - Is subject to the property interest of a creditor or a subsequent purchaser for valuable consideration without notice acquired on or after the date of the original instrument.
Property Code
Title 5- Exempt Property and Liens
Posting a foreclosure- HB 584

- Relating to the posting of a notice of foreclosure sale on a county’s Internet website.
- If a county maintains an Internet website, the county must post a notice of sale filed with the county clerk under Subsection (b)(2) on the website on a page that is publicly available for viewing without charge or registration.
- Amends Property Code Section 51.002.
- Effective- September 1, 2013.

"I've simplified my life by converting all my possessions into one gold brick."
Exempt from Seizure by Creditors- SB 649

- Relating to the exemption of certain property from seizure by creditors.
- Adds Roth IRA's to exempt property.
- Amends Insurance Code Section 1108.052 and Property Code Sections 42.0021(a) and (b).
- Effective: September 1, 2013.

Assignment of Rents- SB 848

- Relating to assignment of rents to holders of certain security instruments in real property.
- Assignor is any person making a security interest affecting real property.
- "Rent" does not include mineral lease payments or royalties.
- Amends Subdivisions (1), (3), (4), and (9) of the Property Code 64.001, amends Property Code Sections 64.051, 64.052, 64.053, Subsections (a) and (b) of Section 64.054, Subsections (a), (c), (d), and (e) of Section 64.055, Section 64.058, and Subsections (a) and (d) of Section 64.060.
- Effective: June 14, 2013.
Property Code
Title 7- Condominiums
Condominium Unit Owners' Associations- HB 2075

- Amends several sections of Property Code Chapter 82 (TUCA)
- Association can assign lien rights to secure a loan.
- Association can shift burden of association's insurance deductible to individual owner.
- Liberalizes consents needed to rebuild after loss.
- Expand unit owner's right to redeem after foreclosure to third party purchasers (still 90 days)
- Confirms due-process before fining in pre-TUCA condos.
- Fixes definition of "declaration" to allow use of unrecorded declarations in pre-construction marketing.
- Amends Property Code Section 82.002(c), 82.113(g).
- Effective- September 1, 2013. Prospective only except as to recording of management certificates.
Management Certificates
HB 2075- Condos Only
HB 3800- Subdivisions only

- Beginning 9/1/13, when a management certificate is filed with a County Clerk, the County Clerk must index the certificate as a certain type of document. All 256 County Clerks in Texas must use the same words - either "Condominium Association Management Certificate" or "Property Owners Association Management Certificate" - depending on which Chapter of the Property Code applies to the property - Chapter 82 or Chapter 209.

Management Certificates
HB 2075

- What's Required for Condo POAs. A condo POA must record a new management certificate during the four month window of 9/1/13 - 1/1/14. Why?
  So the County Clerk can re-index it under the new classification scheme.
  - The new duty applies only to a POA that recorded a management certificate before 9/1/13. The new law doesn't speak to a POA that should have recorded a certificate before 9/1/13, but didn't. However, those POAs are required by the 1993 law to record certificates.
  - Because the contents of the certificate haven't changed, there may be no harm in re-recording the old certificate (if you have it), even though the law specifies "new."
  - The subsection requires action by the POA during the last four months of 2013 expires on 1/1/15.
- Amends Property Code § 82.116
Property Code
Title 8- Landlord and Tenant
Electric Service- HB 1086

- Relating to interruption of electric service by a residential landlord.
- Creates landlord right to interrupt electric service under specific conditions and requirements.
- Can't do it if yesterday was below freezing or there is a heat advisory.
- Amends Property Code, Section 92.008(b) and (f); adds Property Code, Section 92.008(h)-(r).
- Effective: September 1, 2013.

Disconnection of Utility Service- HB 1772

- Relating to the disconnection of electric or gas utility service.
- A lot like HB 1086 but without the temperature guidelines.
- It applies to multifamily 10 dwellings or more.
- Adds Property Code, Section 92.302; amends Utilities Code, Chapter 17; amends Utilities Code Chapter 104.
- Effective: January 1, 2014.
Obligations and limitations of landlords- SB 630

- Relating to certain obligations of and limitations on residential landlords.
- Landlord must provide a copy of lease.
  - May be by e-mail if prior communications.
- Landlord may not retaliate because a tenant is involved with a tenant organization.
- Adds Property Code, Section 92.024; amends Property Code, Section 92.331(a).
- Effective: January 1, 2014.
Tenant's lease obligation after a natural disaster- SB 1120

- Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.
- If a natural disaster causes relocation of a tenant, the landlord may not require a new lease for a term longer than the balance of the existing lease term.
- Adds Property Code, Section 92.062.
- Effective: January 1, 2014.

Property Code
Title 11. Restrictive Covenants
Limits on POA's Authority Over Use of Adjacent Lot- HB 35

- Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.
  - Defines "adjacent lot" and "residential purpose" for use in this Bill
- Allows use of adjacent lot for garage, playground, septic system, swimming pool, and other residential purposes, including, maybe an RV.
  - Allows home owner to own an adjacent vacant lot and use it for certain related purposes without building a house on it.
Property Code
Title 11. Restrictive Covenants
Limits on POA’s Authority Over Use of Adjacent Lot- HB 35

- Still must satisfy architectural committee.
  - POA review and approval limited to certain criteria in the recorded POA documents
- Limitations apply on resale.
- Adds Property Code, Section 209.015.
- Effective: June 14, 2013.

Contracting with Directors
HB 503

- Chapter 209 has new requirements for contracts between a POA and its directors (or companies related to the director or to the directors relatives). These are in addition to the TBOC's limits on "interested directors" if the POA is incorporated. Contracts during "development period" are exempt.
- Effective: September 1, 2013
- Does not apply to condos
- Adds Section 209.0052 to the Property Code
Development Period
HB 503

- "Development Period" added to the Definitions Section of the Property Code Chapter 209 (subdivisions only) by adding Subsection (4-a) to Section 209.002
- Forward-looking. Definition added to eliminate future need for repeating the definition in each section to which it applies.
- "Development period" means a period stated in a declaration during which a declarant reserves:
  a) a right to facilitate the development, construction, and marketing of the subdivision; and
  b) a right to direct the size, shape, and composition of the subdivision.
- Effective: September 1, 2013

Appointment of POA Directors
HB 3176

- The board may appoint a person to fill a vacancy on the board regardless of the reason for the vacancy. The appointee serves until the position's term expires, at which time the seat must be filled by election.
- Amends Property Code § 209.00593(a)
- Does not apply to condos
- Effective: June 14, 2013
POA's must allow front yard flag poles - HB 680

- Relating to provisions in the dedicatory instruments of property owners' association regarding display of flags.
- Applies to subdivisions & condos
- Owner can choose between house-mounted flag and front yard flagpole.
- Doesn't apply if front setback is less than 15’.
- You can build a flagpole - if you have a front yard (15’ setback).
- POA may regulate but not prohibit
- Adds statutory definition of "frontyard"
- Effective: June 14, 2013.

Certain Master Mixed-Use POA HB 1824

- [Applies to Las Colinas only; exempts it from Chapter 209]
- Relating to the operation of master mixed-use property owners’ associations.
- Includes provisions for amendments, inspection of books and records.
- Provides for notice before enforcement actions.
- Creates right to a hearing.
- Amends various sections of Property Code, Chapter 215.
- Effective: September 1, 2013.
Recording and Indexing POA's management certificates- HB 3800

- Relating to the recording and indexing of property owners' association management certificates in the county real property records.
- Requires county clerk to record and index "Property Owners' Association Management Certificate."
- Must record existing management certificates
- Amends Property Code, Section 209.004.
- Effective: September 1, 2013.

POA must allow landscaping SB 198

- Relating to restrictive covenants regulating drought-resistant landscaping or water-conserving natural turf.
- Specifically permits an owner's use of "drought-resistant landscaping or water conserving natural turf." (no astro turf)
  - This does not mean "gravel, rocks, or cacti."
- May still require approval of landscaping plan, but POA can't be unreasonable.
- Amends Property Code, Section 202.007.
- Effective: September 1, 2013.
### Property Code

**TITLE 12- Miscellaneous**

**Real Property Interests - § 5 of SB 1372**

- Timeshare Associations are NOT POA's
- Texas Timeshare Act- Chapter 221
- §5 of SB 1372 adds Section 221.004 to Property Code
- Effective: September 1, 2013

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### Timeshare Governance and Development

**§ 2 of SB 1372**

- Timeshare associations in Texas are governed by the new Subchapter I of the Texas Timeshare Act, which borrows from Chapter 209 (TROPA) and Chapter 82 (TUCA), including TUCA's concept of "period of declarant control." Limits and defines significant development rights.
- §2 of SB 1372 adds Sections 221.081 et seq. to the Property Code
- Effective: September 1, 2013
**Timeshare Sales**

§ 4 of SB 1372

- Exempt from some Contract Disclosures. Beginning 9/1/13, the sale of timeshares is exempt from the following parts of the Property Code relating to residential contracts of sale and resales: [§4 of SB 1372 (eff. 9/1/13), amending Sec.221.003 of Prop. Code]
  - Sec. 5.008 ~ Seller's Disclosure of Property Condition
  - Sec. 5.012 ~ Notice of Obligations Related to Membership in Property Owners Association
  - Chapter 207 ~ Disclosure of Information by Property Owners Associations
- Effective: September 1, 2013

**Tax Code**

Title 1- Property Tax Code

Ad Valorem Taxes- HB 97

- Relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran if the residence homestead was donated to the disabled veteran by a charitable organization.
- Adds Tax Code Sections 11.132 and 26.1127; Amends Tax Code Sections 11.42(c), 11.43 (c) and (k), 11.431(a), 26.10(b), and 31.031(a).
- Effective: January 1, 2014, if constitutional amendment is approved by voters.
Transfer of Ad Valorem Tax Lien- SB 163

- Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed in action.
- Transportable.
- Effective: January 1, 2014, if constitutional amendment is approved by voters.

Notices by certified mail- HB 242

- Relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail.
- Adds notices relating to various roll-back scenarios.
- Amends Tax Code Section 1.07(d).
- Effective: January 1, 2014.
Exemptions for land owned by school – HB 561

- Relating to an exemption for land owned by a school from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as qualified open-space land.
- Schools can avoid roll-back taxes if acquired land is converted to school use within 5 years.
- Adds Tax Code Section 23.55(q).
- Effective: June 14, 2013.
Penalties and Interest- HB 1913

- Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes.
- A request for a waiver of penalties and interest under Subsection (i) must be made before the 181st day after the date the property owner making the request receives notice of the delinquent tax that satisfies the requirements of Section 33.04(b).
- Amends Tax Code Sections 33.011 and 33.04.
- Effective: September 1, 2013.

(i) The governing body of a taxing unit may waive penalties and interest on a delinquent tax that relates to a date preceding the date on which the property owner acquired the property if:

1. the property owner or another person liable for the tax pays the tax not later than the 181st day after the date the property owner receives notice of the delinquent tax that satisfies the requirements of Section 33.04(b); and

2. the delinquency is the result of taxes imposed on:
   a) omitted property entered in the appraisal records as provided by Section 25.21;
   b) erroneously exempted property or appraised value added to the appraisal roll as provided by Section 11.43(i); or
   c) property added to the appraisal roll under a different account number or parcel when the property was owned by a prior owner.
(j) The governing body of a taxing unit may waive penalties and interest on a delinquent tax if the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency date to:

1. the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; or

2. a private delivery service for delivery, but an act or omission of the private carrier resulted in the taxpayer's payment being received by the taxing unit after the delinquency date.

(b) If the delinquency is the result of taxes imposed on property described by Section 33.011(i), the first page of the notice must include, in 14-point boldfaced type or 14-point uppercase letters, a statement that reads substantially as follows: "THE TAXES ON THIS PROPERTY ARE DELINQUENT. THE PROPERTY IS SUBJECT TO A LIEN FOR THE DELINQUENT TAXES. IF THE DELINQUENT TAXES ARE NOT PAID, THE LIEN MAY BE FORECLOSED ON."
Delinquent Tax Liens on Manufactured Homes- HB 3613

- Relating to the release of delinquent tax liens on manufactured homes.
- Personal property tax
  - 4 year statute of limitations.
- Amends Tax Code Section 32.015(a); Amends Occupations Code Section 1201.219.
- Effective: September 1, 2013.

Transfer of Ad Valorem Tax Lien- SB 247

- Comprehensive reform of ad valorem tax lending practices. Still preserves first lien status for tax lender. Provides for more certain consumer information to be disclosed prominently in advertisements. Limits alienability of tax lien to licensed parties (under Sec. 351.051 Finance Code). Prevents the practice of “evergreening” and providing loans to certain consumers. Requires judicial foreclosure for ad valorem liens.
- Amends Texas Finance Code- Subsection (c), Section 351.0021, Subchapter A, Chapter 352, Adds Sections 351.0022, 351.0023, Section 351.003, Subsection (c), Section 351.051, Subsection (a), Section 351.054.
- Amends Texas Tax Code- Section 32.06, Subdivision (2), Subsection (a), Section 32.06, Section 32.065.
- Repeals Tax Code Section 32.06(c-1).
- Effective: May 29, 2013.
Delivery/Notice Requirements SB 1224

- Relating to the use by a property owner of a common or contract carrier to send a payment, report, application, statement, or other document or paper to a taxing unit or taxing official.
- Permits use of common or contract carrier
  - Must show timely receipt by taxing entity or proof of deposit on or before due date.
- Amends Tax Code Section 1.08.
- Effective: June 14, 2013.

Transportation Code
Title 6- Roadways
Abandonment of a County Road- SB 1487

- Relating to the abandonment of a county road.
- A county road to a cemetery, enclosed with a fence continuously for 20 years is considered abandoned so long as the owner agrees to provide reasonable access to the cemetery.
- Amends 251.057 (b), Transportation Code.
- Effective: June 14, 2013.
Water Code
Title 2- Water Administration
Eminent Domain- SB 655

- Relating to the exercise of the power of eminent domain by certain authorized entities.
- Limits power of special districts to "a public use."
- Adds Special District Local Laws Code, Section 1.004; adds Water Code, Section 1.005.
- Effective: May 18, 2013
What Did Not Pass

- Foreclosure on Deceased Mortgagors.
- Index to Civil Cases.
- Adverse Possession by Cotenant Heirs.

What Did Not Pass

- File and Use
- Fraudulent Liens
- Mechanic's Liens for Interior Decorators, Security Services
- Photo ID to record
- Mechanic’s Liens rewrite
- Mineral Lease priority over prior recorded lien
What Did Not Pass

- Additional records fees
- Specifications for documents to be recorded
- Education requirements for notary publics
- Transfers of Owner's Policies
- Adverse possession by squatters

“What’s the takeaway on all this?”
Fun Facts

- Cold Beer Here! - SB 1090 signed by the Governor 6/14/13 becomes law of 9/1/13. Relating to the manufacture, distribution, sale, and provision of alcoholic beverages and the regulation of those activities.

- No tax on “good” snacks? SB 1151. Signed by the Governor 6/14/13 becomes law effective on 9/1/13. Relating to sales and use tax treatment of certain snack items.

- Sales Tax Free Weekend moved up – August 9, 2013 - SB 485. Signed by the Governor 6/14/13 becomes law effective immediately. Relating to the sales tax exemption period for clothing and footwear.

Fun Facts

- No tax on concessions by the Booster Club- HB 697. Signed by the Governor 6/14/13 becomes law effective 9/1/13. Relating to a sales and use tax exemption for certain items sold by school booster clubs and support organizations; authorizing a sales and use tax exemption.

- Less class time to a CHL- SB 864. Signed by the Governor 5/24/13 becomes law effective 9/1/13. Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.
Fun Facts

- Kemp's Ridley Sea Turtle is the official State Sea Turtle – HCR 31. Designating the Kemp's ridley sea turtle as the official State Sea Turtle of Texas.
- February 16 is Homemade Pie Day (but only for 10 years) – HCR 36. Designating February 16 as Texas Homemade Pie Day for a 10-year period beginning in 2013.
- And Pecan Pie is the official State Pie of Texas – HCR 53. Designating pecan pie as the official State Pie of Texas.
- Pumpkin is the official State Squash of Texas – HCR 87. Designating the pumpkin as the official State Squash of Texas.

Fun Facts

- And Floydada is pumpkin capital – HCR 84. Designating Floydada as the Pumpkin Capital of Texas.
- Peach Cobbler is the official Cobbler of Texas – HCR 102. Designating peach cobbler as the official cobbler of Texas.
- Garland is the Cowboy Hat Capital of Texas – HCR 96. Designating Garland as the Cowboy Hat Capital of Texas.
- **AND** It's okay to say “Merry Christmas” or “Happy Hanukkah” in school! HB 308- Signed by the Governor on 6/14/13 law becomes effective immediately. Relating to a school district's recognition of and education regarding traditional winter celebrations.
Conclusion

- Other Developments
  - Home Equity Lending
  - Water Board