

## **Texas Property Code § 209.0051 – Open Board Meetings**

### **(a) Exclusions**

- This section does not apply to a property owners' association subject to Chapter 551, Government Code, as per Section 551.0015, Government Code.

### **(b) Definition of “Board Meeting”**

1. A "board meeting" is defined as a deliberation between a quorum of the voting board of the property owners' association, or between a quorum and another person, where association business is discussed and formal action is taken.
2. It does not include social gatherings where a quorum is present but business is incidental, or gatherings at conventions, ceremonies, or press conferences where no formal action is taken.

### **(c) Open Meeting Requirements**

- Regular and special board meetings must be open to owners, except when the board adjourns to executive session to discuss:
  - Personnel issues
  - Pending or threatened litigation
  - Contract negotiations
  - Enforcement actions
  - Confidential attorney communications
  - Privacy matters involving individual owners
  - Other confidential matters upon request and board agreement
- Following executive session, any decisions must be:
  - Summarized orally in general terms
  - Recorded in the meeting minutes without breaching privacy, privilege, or confidentiality agreements
  - Including a general summary of any expenditures approved in the executive session

#### **(c-1) Location of Board Meetings**

- Unless held electronically or by telephone (as described below), board meetings must be conducted in the county where the subdivision is located or in an adjacent county.

#### **(c-2) Electronic or Telephonic Meetings**

- A board meeting may be held by electronic or telephonic means, provided that:
  1. Each board member can hear and be heard by every other board member.
  2. Except for portions in executive session:
    - All owners in attendance can hear all board members.
    - Owners are allowed to listen in via any electronic or telephonic method that board members use.

3. Meeting notices must include instructions for owners to access the communication method used.

**(d) Meeting Records and Minutes**

- The board must keep a record of each meeting, including approved minutes, and make them available for inspection and copying upon written request to the managing agent or the board.

**(e) Meeting Notice Requirements**

- Members must receive notice of regular or special meetings, with the date, time, location, and general subjects to be discussed (including executive session matters). Notice must be:
  - Mailed no later than 10 days and no earlier than 60 days before the meeting, or
  - Provided at least:
    - 144 hours before a regular board meeting
    - 72 hours before a special board meeting
- Notices must be posted in a visible location on association property or a designated website, and sent by email to members who have registered their email addresses with the association.

**(f) Member Responsibility to Maintain Updated Contact Information**

- Owners are responsible for keeping an updated email address on file with the association to receive notices.

**(g) Recessed Meetings**

- If a regular or special meeting is recessed to the next business day, no additional notice is required if done in good faith. If continued to another day, notice of continuation must be provided within two hours of adjourning the current meeting.

**(h) Action Outside of Meetings**

- The board may take action outside of a meeting without prior notice to owners if:
  - Each board member has an opportunity to express opinions and vote.
  - Actions taken outside of a meeting are summarized in the next meeting's minutes, including an explanation of any approved expenditures.
- Certain actions cannot be taken outside of an open meeting with prior notice to owners, including:
  - Fines or damage assessments
  - Foreclosure actions
  - Enforcement actions (except for emergency health/safety issues)
  - Increases or special assessments
  - Budget amendments or approval
  - Vacancies on the board
  - New capital improvements (other than repairs/replacements)
  - Suspension of owner rights before an opportunity for the owner to present their position
  - Lending/borrowing money

- Real property sales or purchases
- Adoption or amendment of dedicatory instruments
- Election of officers
- Appeal of architectural control denials

**(i) Special Application During Development Period**

- During the development period, this section applies only if a board meeting is held to:
    1. Adopt/amend governing documents (declarations, bylaws, etc.)
    2. Increase regular assessments or impose special assessments
    3. Elect non-developer board members or establish their election process
    4. Alter member voting rights
- 

**Amendments**

- **Effective Dates:** Amended by the Texas Legislature in 2015 and 2021.