

**NEW DAY FOR TEXAS HOAS:
OVERVIEW OF 2011 REFORM LEGISLATION
FOR CONDOS AND OWNERS ASSOCIATIONS**

Presented June 30, 2011
State Bar of Texas Webcast

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PROGRAM OUTLINE

1. Introduction of Speakers, Topic, Program, Materials and Upcoming Webcasts
REFERENCE MATERIAL > **1** - Outline+Faculty+Disclaimer
2. Overview of Statutory Framework for HOA Reform Laws of 2011
REFERENCE MATERIAL > **2** - TPC Sections Affected
3. Way #1 to Survey the Reform Laws - by Bill Number
REFERENCE MATERIAL > **3** - 19 POA Bills - Enrolled Versions
4. Way #2 to Survey the Reform Laws - by Subject
REFERENCE MATERIAL > **4** - Subject Overview of HOA Reform Laws 2011
5. Way #3 to Survey the Reform Laws - by What's Important for Each Interest Group
REFERENCE MATERIAL > **5** - Highlights of HOA Reform Laws 2011
6. Way #4 to Survey the Reform Laws - by Chapters of Property Code Most Affected
REFERENCE MATERIALS: *(TPC = Property Code)*
 - **6** - TPC Chapter 209 with 2011 Changes
 - **7** - TPC Chapter 207 with 2011 Changes
 - **8** - Resale Certificate Law Changes
 - **9** - TPC Chapter 202 with 2011 Changes
7. Take-away for Real Estate Lawyers (and HOA Lawyers in particular)
REFERENCE MATERIAL > **10** - Checklist of 2011 HOA Law Reforms from HOA Perspective
8. Closing Remarks and Reminders

Calendar November 8, 2011

"2011 HOA Reform Laws: Select Issues - Records, Meetings, and Elections"
"Election Day" webinar sponsored by the State Bar of Texas

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FACULTY PROFILES

ROY D. HAILEY is a principal with the law firm of BUTLER | HAILEY and focuses his practice on the representation of property owners associations and the preparation of project documents for real estate developers. He and his firm represent over 600 POAs. Roy earned his law degree from the South Texas College of Law in 1981 after receiving an undergraduate degree from the University of Texas at Austin. He is board certified in commercial and residential real estate law by the Texas Board of Legal Specialization. Roy is a member of the Houston Bar Association and a fellow of the Houston Bar Foundation. He is also a member of the State Bar of Texas and is a member of its Real Estate Section.

Roy has spoken at numerous CLE seminars on behalf of the State Bar of Texas, the Houston Bar Association and various Texas law schools regarding property owners' associations. The Texas Bar CLE presented Mr. Hailey the Jerry Charles Saegert Award for "Best CLE Paper" for the paper he prepared for the 2002 Advanced Real Estate Law Course: "Survey of Recent Case Law Affecting Property Owners Associations."

Roy's volunteer involvement with the legislation process began in 1990 as a member of the ad hoc drafting committee of lawyers that worked on the proposed Texas Uniform Condominium Act, which became law in 1993. He was a member of the Community Associations Institutes' Texas Legislative Action Committee from 1999-2009, in which capacity he was involved with drafting and testifying on POA bills. In 2002 he was one of 4 POA lawyers appointed to Senator John Lindsay's 9-person Interim Task Force to look for solutions to the intractable issues that divided POAs and aggrieved homeowners. As a charter director of Texas Community Association Advocates (formed in 2010), Roy was involved with drafting and testifying on POA bills during the 2011 Session.

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**SHARON REULER** is a Dallas-based attorney with a statewide practice representing real estate developers in the creation, marketing, and operation of planned communities and condominiums. Sharon is one of the most-published attorneys in Texas on the topic of condominiums and planned communities, having contributed to state and national continuing legal education programs since 1994. Relating to legislation, in 1994 and 1995 she published two seminal articles for the State Bar on the then-new Texas Uniform Condominium Act.

Sharon has been involved with legislation pertaining to common interest communities since 1981 - always in a volunteer capacity. Sharon was the 1990-1993 spokesperson for the Texas Uniform Condominium Act, which became law in 1993. In the early 2000s, she was spokesperson for an ill-fated initiative known as the Texas Uniform Planned Community Act, sponsored by the now-defunct Texas College of Real Estate Attorneys. In the mid-2000s, she contributed to a Drafting Committee of the National Conference of Commissioners on Uniform State Laws in updating the Common Interest Ownership Act. During the Texas Sessions of 2005, 2007, 2009, and 2011, Sharon periodically reported on the status of "POA Bills" by email broadcasts to clients and colleagues.

Sharon is a member of the American College of Real Estate Lawyers, The College of the State Bar of Texas, and the Dallas Area Real Estate Lawyers Discussion Group. Sharon has three degrees from The University of Texas (*yes, the one in Austin*), the last being her law degree earned in 1987 at the ripe age of 40.

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TOGETHER AGAIN. Roy and Sharon previously teamed for the following CLE activities: In 2002 they co-authored "Statutory Evolution of Condominiums and Property Owners Associations in Texas," for UT's Mortgage Lending Institute. After the 2009 Texas legislative session, they presented a Legislative Update on the HOA Laws as a webcast for the State Bar of Texas. In 2010, they co-authored "The Texas POA Primer ~ Tips for Working with Condo & Homeowner Associations" for the State Bar's Advanced Real Estate Law Course, for which they won the Jerry Charles Saegert award for "Best CLE Paper" presented at the course.

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DISCLAIMER

WHAT IT IS

- Overview of 2011 POA-specific law changes ~ most significant in a decade
- Highlights that identify some power-packed law changes that aren't sexy enough for prime time news
- Package of materials to help you navigate the POA-specific law changes of 2011
- Identification of section-numbering issues

WHAT IT'S NOT

- **Not** a report of every new Texas law that may affect POAs - only the new *POA-specific* laws
- **Not** everything you need to know about the POA-specific law changes
- **Not** an analysis of specific provisions of the new POA-specific laws
- **Not** how-to instructions for implementing the POA-specific law changes

GENERAL DISCLAIMERS

Volunteers. We don't get paid for preparing or presenting CLE for the State Bar. Your registration fees go to the State Bar of Texas, not into our retirement accounts.

Do-It-Yourself. Do not - repeat - DO NOT rely on this Overview or the accompanying materials to resolve legal questions. They are no substitute for reading and analyzing the new laws. Our materials don't provide what's needed for the proper legal analysis of any issue or situation. READ THE LAW, please.

Target. Our target audience is a Texas attorney in general practice who handles real property matters, and who sometimes has clients or matters involving HOAs.

Impression Over Precision. We didn't design our presentation to withstand "legal scrutiny." Our primary goal is to alert Texas lawyers to the scope and significance of the law changes. In connection with our arm-waving, we use a presentation style that is informal, practical, conversational, and even a bit irreverent. We purposefully abbreviate long and complicated law changes to get your attention. (*Did we succeed?*)

Not Know-It-Alls. We're not responsible for the wording of the new laws. Like you, we're trying to figure them out - what they mean and how they work (or don't work) with each other. As situations and issues arise in the months and years to come, we will continue to learn new things about the 2011 law changes.

BLOOD OATH

Being lawyers, we can't help but worry that someone may take something in our Overview materials out of context and try to shove our printed words down our proverbial throats. So, we have taken a blood oath that we each will take credit for being the sole author of the words being shoved down the other's throat, to enable the other when challenged to say "*That? I didn't write that. Not my idea. That belongs to my co author.*"