

HOA 60 Day Letter no longer necessary

Texas Property Code Section 209.0091 is the statute to reference with regard to the new legal requirement that HOAs must provide junior lien holders with notice/opportunity to cure before foreclosing. A 60 day letter is no longer required if an HOA lien is not subordinated.

Texas Property Code

Sec. 209.0091. PREREQUISITES TO FORECLOSURE: NOTICE AND OPPORTUNITY TO CURE FOR CERTAIN OTHER LIENHOLDERS. (a) A property owners' association may not foreclose a property owners' association assessment lien on real property by giving notice of sale under Section 51.002 or commencing a judicial foreclosure action unless the association has:

(1) provided written notice of the total amount of the delinquency giving rise to the foreclosure to any other holder of a lien of record on the property whose lien is inferior or subordinate to the association's lien and is evidenced by a deed of trust; and

(2) provided the recipient of the notice an opportunity to cure the delinquency before the 61st day after the date the recipient receives the notice.

(b) Notice under this section must be sent by certified mail, return receipt requested, to the address for the lienholder shown in the deed records relating to the property that is subject to the property owners' association assessment lien.

Added by Acts 2011, 82nd Leg., R.S., Ch. [1282](#), Sec. 2, eff. January 1, 2012.

Link:

<http://www.statutes.legis.state.tx.us/Docs/PR/htm/PR.209.htm>