

By: Davis

H.B. No. 2447

A BILL TO BE ENTITLED

AN ACT

relating to the recall of a board member of and suits against a property owners' association.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 209, Property Code, is amended by adding Sections 209.00595 and 209.017 to read as follows:

Sec. 209.00595. RECALL OF BOARD MEMBERS. (a) Owners holding at least 20 percent of all voting interests in a property owners' association may petition the association and require a special meeting to be called for the sole purpose of conducting a recall election to recall a member of the board. The petition may not name more than one board member to be subject to recall. Each owner signing the petition shall provide the owner's printed name and residential address and the date the owner signs the petition. The petition must be sent by certified mail, return receipt requested, to the registered agent of the property owners' association and to the association at the address for the association according to the most recently filed management certificate.

(b) Not later than the 90th day after the date the property owners' association receives the petition, the association shall hold a meeting for the sole purpose of conducting the recall election.

(c) If the majority of votes received in a recall election

1 are for the recall of the named board member, the member's position
2 on the board becomes vacant immediately. The board shall fill the
3 vacancy as provided by Section 209.00593.

4 Sec. 209.017. JUSTICE COURT JURISDICTION. An owner of
5 property in a subdivision may bring an action for a violation of
6 this chapter against the property owners' association of the
7 subdivision in the justice court of a precinct in which all or part
8 of the subdivision is located.

9 SECTION 2. Section 209.017, Property Code, as added by this
10 Act, applies only to an action brought on or after the effective
11 date of this Act.

12 SECTION 3. This Act takes effect September 1, 2021.