

By: Vasut, Jetton, White, et al.

H.B. No. 2912

Substitute the following for H.B. No. 2912:

By: Smith

C.S.H.B. No. 2912

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a violation of the Texas Residential Property Owners
3 Protection Act or a dedicatory instrument by a board member of a
4 property owners' association.

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

6 SECTION 1. Chapter 209, Property Code, is amended by adding
7 Section 209.017 to read as follows:

8 Sec. 209.017. BOARD MEMBER VIOLATION OF CHAPTER OR
9 DEDICATORY INSTRUMENT. (a) An owner may bring an action against a
10 property owners' association for a violation of this chapter or a
11 provision of the association's dedicatory instruments by a board
12 member acting in the board member's official capacity. The owner
13 may file a petition against the association with the justice of the
14 peace of a justice precinct in which all or part of the property
15 that is governed by the association is located requesting relief
16 under this section.

17 (b) If the justice of the peace finds that the board member
18 violated this chapter or a dedicatory instrument while acting
19 individually or with other board members, the justice of the peace
20 may grant one or more of the following remedies:

21 (1) a judgment ordering the property owners'
22 association to immediately remove the board member from the board;

23 (2) a judgment against the property owners'
24 association for damages incurred by the owner resulting from the

1 violation; or

2 (3) a judgment authorizing the owner to deduct the
3 amounts awarded to the owner under Subdivision (2) or Subsection
4 (c) from any future regular or special assessments payable to the
5 property owners' association.

6 (c) The prevailing party in an action under this section is
7 entitled to a judgment for court costs and reasonable attorney's
8 fees incurred by the party in connection with the action.

9 (d) On or before the 10th business day before the date an
10 owner brings an action against a property owners' association under
11 this section, the owner must send written notice to the association
12 of the owner's intent to bring the action. The notice must:

13 (1) be sent certified mail, return receipt requested,
14 or delivered by the United States Postal Service with signature
15 confirmation service to the mailing address of the association or
16 authorized representative as reflected on the most current
17 management certificate filed under Section 209.004; and

18 (2) describe with sufficient detail the alleged
19 violation.

20 (e) For the purposes of this section, "business day" means a
21 day other than Saturday, Sunday, or a state or federal holiday.

22 SECTION 2. Section 209.017, Property Code, as added by this
23 Act, applies only to a violation that occurs on or after the
24 effective date of this Act. A violation that occurs before the
25 effective date of this Act is governed by the law as it existed
26 immediately before the effective date of this Act, and that law is
27 continued in effect for that purpose. For purposes of this section,

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1 a violation occurred before the effective date of this Act if any
2 element of the violation occurred before that date.

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