

By: Jetton

H.B. No. 3776

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility and solicitation of persons to serve on  
3 the architectural review authority of a property owners'  
4 association.

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

6 SECTION 1. Section 209.00505(c), Property Code, is  
7 redesignated as Section 209.00506, Property Code, and amended to  
8 read as follows:

9 Sec. 209.00506. ELIGIBILITY TO SERVE ON ARCHITECTURAL  
10 REVIEW AUTHORITY. (a) This section applies only to an  
11 architectural review authority to which Section 209.00505 applies.

12 (b) Except as provided by Subsection (d), a person may not  
13 be appointed or elected to serve on an architectural review  
14 authority unless the person timely notifies the association of the  
15 person's interest in serving on the authority in accordance with  
16 Section 209.00507.

17 (c) Except as provided by Subsection (d), a [A] person may  
18 not be appointed or elected to serve on an architectural review  
19 authority if the person is:

- 20 (1) a current board member;
- 21 (2) a current board member's spouse; or
- 22 (3) a person residing in a current board member's
- 23 household.

24 (d) If a vacancy remains on the architectural review

1 authority after each person eligible under Subsection (c) who  
2 timely notifies the association in accordance with Section  
3 209.00507 is appointed or elected to the authority, the association  
4 may appoint any person to fill the vacancy, including a person not  
5 otherwise eligible under Subsection (c).

6 SECTION 2. Chapter 209, Property Code, is amended by adding  
7 Section 209.00507 to read as follows:

8 Sec. 209.00507. SOLICITATION OF CANDIDATES FOR  
9 ARCHITECTURAL REVIEW AUTHORITY. (a) This section applies only to  
10 an architectural review authority to which Section 209.00505  
11 applies.

12 (b) Not later than the 10th day before the date a property  
13 owners' association or board takes action to elect or appoint or  
14 meets to elect or appoint a person to serve on the architectural  
15 review authority, the association must provide notice to the  
16 association members soliciting persons interested in serving on the  
17 architectural review authority.

18 (c) The notice required under Subsection (b) must:

19 (1) be provided:

20 (A) by mail to each owner; or

21 (B) by:

22 (i) posting the notice in a conspicuous  
23 manner reasonably designed to provide notice to association  
24 members:

25 (a) in a place located on the  
26 association's common property or, with the property owner's  
27 consent, on other conspicuously located privately owned property

1 within the subdivision; or  
2 (b) on any Internet website  
3 maintained by the association or other Internet media; and

4 (ii) sending the notice by e-mail to each  
5 owner who has registered an e-mail address with the association;  
6 and

7 (2) contain instructions for a person to notify the  
8 association of the person's interest in serving on the  
9 architectural review authority, including the date by which the  
10 person's notification must be received by the association.

11 (d) The date by which a person must notify the association  
12 of the person's interest in serving on the architectural review  
13 authority may not be earlier than the 10th day after the date the  
14 association provides the notice described by Subsection (c).

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.