

BILL ANALYSIS

H.B. 2200
By: Solomons
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the majority of condominium communities condominium owners or renters are required to belong to a property owners association. The association's declaratory documents usually control the architectural improvements and the provision of the maintenance of common areas. For condominium's located in areas like golf clubs some declaratory documents require membership in a private club. HB 2200 provides a maximum ten year validity of provisions requiring membership in private clubs, unless specifically continued by a sixty-seven percent of property owners.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 2200 amends Title 7 of the Property Code to invalidate provisions in declaratory documents of condominiums created before and after the adoption of the Uniform Condominium Act that require membership of a private club 10 years after the anniversary the provision is recorded or renewed. The provision may be continued if at least sixty-seven percent of the holders of ownership in the condominium community approve the extension of the provision. The provision may not be enacted or continued through bylaws adopted by a council of owners.

EFFECTIVE DATE

This Act is effective for declaratory documents controlled by Title 7 of the Property Code that is recorded, enacted, or renewed on or after September 1, 2003. For declaratory documents recorded, enacted, or renewed before the effective date, current law applies and is continued for this purpose.