

By: West

H.B. No. 3079

A BILL TO BE ENTITLED

AN ACT

relating to the management of certain condominiums.

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

SECTION 1. Section 81.204(a), Property Code, is amended to read as follows:

(a) An apartment owner in a condominium regime is responsible for the apartment owner's pro rata share of:

(1) the expenses to administer the condominium regime and to maintain and repair the general common elements;

(2) in proper cases, the expenses to administer the limited common elements of the buildings in the condominium regime; and

(3) other expenses approved by the council of owners and necessary for the maintenance or improvement of the structural or physical integrity of the condominium regime.

SECTION 2. Section 81.209, Property Code, is amended by adding Subsection (d) to read as follows:

(d) An apartment owner who has been denied access to records required to be made available under this section may sue the administrator, board of administration, or other person appointed by the bylaws to maintain the condominium regime's records. A court that finds that an apartment owner has been denied access to records shall:

(1) impose a civil penalty in an amount equal to or

1 less than \$500, payable to the apartment owner; and

2 (2) order access to the requested records at a  
3 specific time and place.

4 SECTION 3. Section 82.102, Property Code, is amended by  
5 amending Subsection (a) and adding Subsection (f) to read as  
6 follows:

7 (a) Except as [~~Unless otherwise~~] provided by the  
8 declaration or by Subsection (f), the association, acting through  
9 its board, may:

10 (1) adopt and amend bylaws;

11 (2) adopt and amend budgets for revenues,  
12 expenditures, and reserves, and collect assessments for common  
13 expenses from unit owners;

14 (3) hire and terminate managing agents and other  
15 employees, agents, and independent contractors;

16 (4) institute, defend, intervene in, settle, or  
17 compromise litigation or administrative proceedings in its own name  
18 on behalf of itself or two or more unit owners on matters affecting  
19 the condominium;

20 (5) make contracts and incur liabilities relating to  
21 the operation of the condominium;

22 (6) regulate the use, maintenance, repair,  
23 replacement, modification, and appearance of the condominium;

24 (7) adopt and amend rules regulating the use,  
25 occupancy, leasing or sale, maintenance, repair, modification, and  
26 appearance of units and common elements, to the extent the  
27 regulated actions affect common elements or other units;

1           (8) cause additional improvements to be made as a part  
2 of the common elements;

3           (9) acquire, hold, encumber, and convey in its own  
4 name any right, title, or interest to real or personal property,  
5 except common elements of the condominium;

6           (10) grant easements, leases, licenses, and  
7 concessions through or over the common elements;

8           (11) impose and receive payments, fees, or charges for  
9 the use, rental, or operation of the common elements and for  
10 services provided to unit owners;

11           (12) impose interest and late charges for late  
12 payments of assessments, returned check charges, and, if notice and  
13 an opportunity to be heard are given, reasonable fines for  
14 violations of the declaration, bylaws, and rules of the  
15 association;

16           (13) adopt and amend rules regulating the collection  
17 of delinquent assessments and the application of payments;

18           (14) adopt and amend rules regulating the termination  
19 of utility service to a unit, the owner of which is delinquent in  
20 the payment of an assessment that is used, in whole or in part, to  
21 pay the cost of that utility;

22           (15) impose reasonable charges for preparing,  
23 recording, or copying declaration amendments, resale certificates,  
24 or statements of unpaid assessments;

25           (16) enter a unit for bona fide emergency purposes  
26 when conditions present an imminent risk of harm or damage to the  
27 common elements, another unit, or the occupants;

1           (17) assign its right to future income, including the  
2 right to receive common expense assessments, but only to the extent  
3 the declaration so provides;

4           (18) suspend the voting privileges of or the use of  
5 certain general common elements by an owner delinquent for more  
6 than 30 days in the payment of assessments;

7           (19) purchase insurance and fidelity bonds it  
8 considers appropriate or necessary;

9           (20) exercise any other powers conferred by the  
10 declaration or bylaws;

11           (21) exercise any other powers that may be exercised  
12 in this state by a corporation of the same type as the association;  
13 and

14           (22) exercise any other powers necessary and proper  
15 for the government and operation of the association.

16           (f) An association may impose on a unit owner only  
17 assessments or charges necessary for the administration of the  
18 condominium or for the maintenance or improvement of the structural  
19 or physical integrity of the condominium and its common elements.

20           SECTION 4. Section 82.114, Property Code, is amended by  
21 adding Subsection (g) to read as follows:

22           (g) A unit owner who has been denied access to records  
23 required to be made available under this section may sue the  
24 association. A court that finds that a unit owner has been denied  
25 access to records shall:

26           (1) impose a civil penalty in an amount equal to or  
27 less than \$500, payable to the unit owner; and

1                   (2) order access to the requested records at a  
2 specific time and place.

3                   SECTION 5. This Act takes effect January 1, 2004.