

**BILL ANALYSIS**

Senate Research Center  
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S.B. 534  
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Jurisprudence  
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As Filed

**AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Property owners' associations exist in planned development neighborhoods to foster the continued well-being of communities. Association boards of directors generally follow rules and procedures established in the governing documents of the neighborhood as well as the laws governing associations found in Title 11, Property Code.

Disputes between association boards and owners have become common. Legislators have received an increasing number of constituent contacts about concerns that such boards are not following the prescribed rules and laws. Because no state or local entity is empowered to enforce laws governing such associations, owners are left to their own means to get the matter resolved. In effect, owners must pay to take these boards to court to enforce state law.

As proposed, S.B. 534 authorizes the county attorney in counties with populations of 200,000 or more to file suit against an association or owner that violates state law.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 203, Property Code, to read as follows:

CHAPTER 203. ENFORCEMENT OF PROVISIONS RELATING TO LAND USE  
RESTRICTIONS OR PROPERTY OWNERS' ASSOCIATIONS IN CERTAIN COUNTIES

SECTION 2. Amends Section 203.003, Property Code, as follows:

Sec. 203.003. New heading: ENFORCEMENT AUTHORITY OF COUNTY ATTORNEY. Authorizes the county attorney to sue to enjoin or abate a violation of this title by a property owners' association or an owner. Authorizes the county attorney to recover from a property owners' association or an owner that violates this title a reasonable penalty as determined by the court. Makes nonsubstantive changes and creates a subdivision from existing text.

SECTION 3. Makes application of Section 203.003, Property Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2005.