

BILL ANALYSIS

Senate Research Center
79R11224 PAM-D

C.S.S.B. 534
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Jurisprudence
4/29/2005
Committee Report (Substituted)

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.

C.S.S.B. 534 authorizes the county attorney or the district attorney or county official authorized to initiate civil enforcement actions in the county in counties with populations of 200,000 or more to file suit against an association 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 CERTAIN LOCAL PUBLIC OFFICIALS. Authorizes the county attorney or the district or county official authorized to initiate civil enforcement actions in the county, rather than just the county attorney, to sue to enjoin or abate a violation of this title by a property owners' association. Authorizes the county attorney or the district or county official authorized to initiate civil enforcement actions in the county to recover from a property owners' association that violates this title a reasonable penalty as determined by the court. Makes nonsubstantive and conforming changes.

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

SECTION 4. Effective date: September 1, 2005.