

By: Hochberg

H.B. No. 1240

A BILL TO BE ENTITLED

AN ACT

relating to maintenance of a common nuisance on the property of a condominium owners' association.

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

SECTION 1. Section 125.001(3), Civil Practice and Remedies Code, is amended to read as follows:

(3) "Multiunit residential property" means improved real property with at least three dwelling units, including an apartment building, condominium, hotel, or motel. The term does not include [÷

~~[(A) a property in which each dwelling unit is occupied by the owner of the property; or~~

~~[(B)]~~ a single-family home or duplex.

SECTION 2. Section 125.002(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) A person may bring a suit under Subsection (a) against any person who maintains, owns, uses, or is a party to the use of a place for purposes constituting a nuisance under this subchapter and may bring an action in rem against the place itself. A council of owners, as defined by Section 81.002, Property Code, or a unit owners' association organized under Section 82.101, Property Code, may be sued under this subsection if the council or association maintains, owns, uses, or is a party to the use of the common areas of the council's or association's condominium for purposes

1 constituting a nuisance.

2 SECTION 3. The change in law made by this Act applies only
3 to a cause of action that accrues on or after the effective date of
4 this Act. A cause of action that accrues before the effective date
5 of this Act is governed by the law in effect immediately before that
6 date, and that law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.