

By: Martinez

H.B. No. 1630

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the meetings and records of certain property owners'
3 associations.

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

5 SECTION 1. Section 551.0015, Government Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) A property owners' association is subject to this
9 chapter in the same manner as a governmental body if:

10 (1) membership in the property owners' association is
11 mandatory for owners or for a defined class of owners of private
12 real property in a residential subdivision [~~defined geographic area~~
13 ~~in a county with a population of 2.8 million or more or in a county~~
14 ~~adjacent to a county with a population of 2.8 million or more~~]; and

15 (2) the property owners' association has the power to
16 make mandatory special assessments [~~for capital improvements~~] or
17 mandatory regular assessments[, ~~and~~

18 [~~(3) the amount of the mandatory special or regular~~
19 ~~assessments is or has ever been based in whole or in part on the~~
20 ~~value at which the state or a local governmental body assesses the~~
21 ~~property for purposes of ad valorem taxation under Section 20,~~
22 ~~Article VIII, Texas Constitution].~~

23 (c) In this section, "property owners' association,"
24 "regular assessment," "residential subdivision," and "special

1 assessment" have the meanings assigned by Section 209.002, Property
2 Code.

3 SECTION 2. Section 552.0036, Government Code, is amended to
4 read as follows:

5 Sec. 552.0036. CERTAIN PROPERTY OWNERS' ASSOCIATIONS
6 SUBJECT TO LAW. (a) In this section, "property owners'
7 association," "regular assessment," "residential subdivision," and
8 "special assessment" have the meanings assigned by Section 209.002,
9 Property Code.

10 (b) A property owners' association is subject to this
11 chapter in the same manner as a governmental body if:

12 (1) membership in the property owners' association is
13 mandatory for owners or for a defined class of owners of private
14 real property in a residential subdivision [~~defined geographic area~~
15 ~~in a county with a population of 2.8 million or more or in a county~~
16 ~~adjacent to a county with a population of 2.8 million or more~~]; and

17 (2) the property owners' association has the power to
18 make mandatory special assessments [~~for capital improvements~~] or
19 mandatory regular assessments[, ~~and~~

20 [~~(3) the amount of the mandatory special or regular~~
21 ~~assessments is or has ever been based in whole or in part on the~~
22 ~~value at which the state or a local governmental body assesses the~~
23 ~~property for purposes of ad valorem taxation under Section 20,~~
24 ~~Article VIII, Texas Constitution].~~

25 SECTION 3. Section 209.005(a), Property Code, is amended to
26 read as follows:

27 (a) A property owners' association shall make the books and

1 records of the association, including financial records,
2 reasonably available to any person requesting access to the books
3 or records [~~an owner~~] in accordance with Chapter 552, Government
4 Code [~~Section B, Article 2.23, Texas Non-Profit Corporation Act~~
5 ~~(Article 1396-2.23, Vernon's Texas Civil Statutes)]~~.

6 SECTION 4. (a) Section 551.0015, Government Code, as
7 amended by this Act, applies only to a property owners' association
8 meeting that is held on or after September 1, 2007. A property
9 owners' association meeting that is held before September 1, 2007,
10 is governed by the law in effect at the time the meeting was held,
11 and that law is continued in effect for that purpose.

12 (b) Section 552.0036, Government Code, as amended by this
13 Act, applies only to a request for records or information made to a
14 property owners' association on or after September 1, 2007. A
15 request for records or information that is made before September 1,
16 2007, is governed by the law in effect at the time the request was
17 made, and that law is continued in effect for that purpose.

18 (c) Section 209.005, Property Code, as amended by this Act,
19 applies only to a request for access to records or information made
20 to a property owners' association on or after September 1, 2007. A
21 request for access to records or information that is made before
22 September 1, 2007, is governed by the law in effect at the time the
23 request was made, and that law is continued in effect for that
24 purpose.

25 SECTION 5. This Act takes effect September 1, 2007.