

By: Jackson

H.B. No. 372

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

(1) if:

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

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

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

1 (2) if the property owners' association:

2 (A) provides maintenance, preservation, and  
3 architectural control of residential and commercial property  
4 within a defined geographic area in a county with a population of  
5 2.8 million or more or in a county adjacent to a county with a  
6 population of 2.8 million or more; and

7 (B) is a corporation that:

8 (i) is governed by a board of trustees who  
9 may employ a general manager to execute the association's bylaws  
10 and administer the business of the corporation;

11 (ii) does not require membership in the  
12 corporation by the owners of the property within the defined area;  
13 and

14 (iii) was incorporated before January 1,  
15 2006.

16 (c) In this section, "property owners' association,"  
17 "regular assessment," "residential subdivision," and "special  
18 assessment" have the meanings assigned by Section 209.002, Property  
19 Code.

20 SECTION 2. Section 552.0036, Government Code, is amended to  
21 read as follows:

22 Sec. 552.0036. CERTAIN PROPERTY OWNERS' ASSOCIATIONS  
23 SUBJECT TO LAW. (a) In this section, "property owners'  
24 association," "regular assessment," "residential subdivision," and  
25 "special assessment" have the meanings assigned by Section 209.002,  
26 Property Code.

27 (b) A property owners' association is subject to this

1 chapter in the same manner as a governmental body:

2 (1) if:

3 (A) membership in the property owners'  
4 association is mandatory for owners or for a defined class of owners  
5 of private real property in a residential subdivision [~~defined~~  
6 ~~geographic area in a county with a population of 2.8 million or more~~  
7 ~~or in a county adjacent to a county with a population of 2.8 million~~  
8 ~~or more~~]; and

9 (B) the property owners' association has the  
10 power to make mandatory special assessments [~~for capital~~  
11 ~~improvements~~] or mandatory regular assessments [~~, and~~

12 [~~(C) the amount of the mandatory special or~~  
13 ~~regular assessments is or has ever been based in whole or in part on~~  
14 ~~the value at which the state or a local governmental body assesses~~  
15 ~~the property for purposes of ad valorem taxation under Section 20,~~  
16 ~~Article VIII, Texas Constitution]~~; or

17 (2) if the property owners' association:

18 (A) provides maintenance, preservation, and  
19 architectural control of residential and commercial property  
20 within a defined geographic area in a county with a population of  
21 2.8 million or more or in a county adjacent to a county with a  
22 population of 2.8 million or more; and

23 (B) is a corporation that:

24 (i) is governed by a board of trustees who  
25 may employ a general manager to execute the association's bylaws  
26 and administer the business of the corporation;

27 (ii) does not require membership in the

1 corporation by the owners of the property within the defined area;  
2 and

3 (iii) was incorporated before January 1,  
4 2006.

5 SECTION 3. Section 209.005, Property Code, is repealed.

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, 2009. A property  
9 owners' association meeting that is held before September 1, 2009,  
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, 2009. A  
15 request for records or information that is made before September 1,  
16 2009, 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) A request for access to records or information under  
19 Section 209.005, Property Code, as that section existed before  
20 repeal by this Act, that is made before September 1, 2009, is  
21 governed by the law in effect at the time the request was made, and  
22 that law is continued in effect for that purpose.

23 SECTION 5. This Act takes effect September 1, 2009.