

By: England

H.B. No. 2395

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disclosure of certain information by a property owners'  
3 association.

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

5 SECTION 1. Section 207.003, Property Code, is amended by  
6 amending Subsections (c) and (d) and adding Subsection (f) to read  
7 as follows:

8 (c) A property owners' association may charge a reasonable  
9 fee to assemble, copy, and deliver the information required by this  
10 section and may charge a reasonable fee to prepare and deliver an  
11 update of a resale certificate under Subsection (f).

12 (d) The property owners' association shall deliver the  
13 information required by Subsection (a) or (f) to the person  
14 specified in the written request. A written request that does not  
15 specify the name and location to which the information is to be sent  
16 is not effective. The property owners' association may deliver the  
17 information required by Subsection (a) and any update to the resale  
18 certificate required by Subsection (f) by mail, hand delivery, or  
19 alternative delivery means specified in the written request.

20 (f) Not later than the seventh day after the date a written  
21 request for an update to a resale certificate delivered under  
22 Subsection (a) is received from an owner, owner's agent, or title  
23 insurance company or its agent acting on behalf of the owner, the  
24 property owners' association shall deliver to the owner, owner's

1 agent, or title insurance company or its agent an updated resale  
2 certificate that contains the following information:

3 (1) if a right of first refusal or other restraint on  
4 sale is contained in the restrictions, a statement of whether the  
5 property owners' association waives the restraint on sale;

6 (2) the status of any unpaid special assessments,  
7 dues, or other payments attributable to the owner's property; and

8 (3) any changes to the information provided in the  
9 resale certificate issued under Subsection (a).

10 SECTION 2. The change in law made by this Act applies only  
11 to a request for an updated resale certificate received by a  
12 property owners' association on or after the effective date of this  
13 Act. A request received before the effective date of this Act is  
14 governed by the law in effect immediately before the effective date  
15 of this Act, and that law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2009.