

By: Solomons, et al.

H.J.R. No. 76

Substitute the following for H.J.R. No. 76:

By: Miller of Erath

C.S.H.J.R. No. 76

A JOINT RESOLUTION

1 proposing a constitutional amendment permitting an encumbrance to  
2 be fixed on homestead property for an obligation to pay certain  
3 property owners' association fees and prohibiting the forced sale  
4 of the homestead to pay those fees unless authorized by the members  
5 of the association in accordance with general law.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 50, Article XVI, Texas Constitution, is  
8 amended by adding Subsection (w) to read as follows:

9 (w) An obligation to pay property owners' association fees  
10 for maintenance and ownership of common facilities and services or  
11 to pay other fees imposed by a property owners' association is a  
12 debt for which an encumbrance may be fixed on homestead property.  
13 On and after April 1, 2010, a homestead is protected from forced  
14 sale for the payment of a debt described by this subsection unless  
15 the forced sale of the homestead for the payment of the debt is  
16 authorized by the members of the association in accordance with  
17 requirements the legislature may provide by general law.

18 SECTION 2. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held November 3, 2009.  
20 The ballot shall be printed to permit voting for or against the  
21 proposition: "The constitutional amendment permitting an  
22 encumbrance to be fixed on homestead property for an obligation to  
23 pay certain property owners' association fees and prohibiting the  
24 forced sale of the homestead to pay those fees unless authorized by

1 the members of the association in accordance with general law."