

By: Solomons

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 fines without permitting the
4 forced sale of the homestead.

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

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

8 (w) An obligation to pay property owners' association fees
9 for maintenance and ownership of common facilities and services or
10 to pay other fees or fines imposed by a property owners' association
11 is a debt for which an encumbrance may be fixed on homestead
12 property. The homestead, however, is protected from forced sale
13 for the payment of a debt described by this subsection.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 3, 2009.
16 The ballot shall be printed to permit voting for or against the
17 proposition: "The constitutional amendment permitting an
18 encumbrance to be fixed on homestead property for an obligation to
19 pay certain property owners' association fees and fines without
20 permitting the forced sale of the homestead."