

By: West

S.B. No. 239

A BILL TO BE ENTITLED

AN ACT

relating to notice requirements in certain enforcement actions initiated by property owners' associations.

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

SECTION 1. Section 209.006, Property Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner; ~~and~~

(2) inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; and

(B) may request a hearing under Section 209.007 on or before the 30th day after the date notice was delivered to the owner; and

(3) specify a date certain by which the owner must cure the violation ~~[receives the notice]~~.

(c) Notice under Subsection (b) must be personally delivered, sent by certified mail with a return receipt requested, or delivered by the United States Postal Service with signature

1 confirmation service to the owner at the owner's last known address
2 as shown on the association's records.

3 (d) The date specified in the notice under Subsection (b)(3)
4 must provide a reasonable period for the owner to cure the
5 violation.

6 SECTION 2. This Act takes effect January 1, 2010.