

1-1 By: West S.B. No. 239
1-2 (In the Senate - Filed November 10, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 9, 2009, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; March 9, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to notice requirements in certain enforcement actions
1-9 initiated by property owners' associations.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 209.006, Property Code, is amended by
1-12 amending Subsection (b) and adding Subsections (c) and (d) to read
1-13 as follows:

1-14 (b) The notice must:

1-15 (1) describe the violation or property damage that is
1-16 the basis for the suspension action, charge, or fine and state any
1-17 amount due the association from the owner; ~~and~~

1-18 (2) inform the owner that the owner:

1-19 (A) is entitled to a reasonable period to cure
1-20 the violation and avoid the fine or suspension unless the owner was
1-21 given notice and a reasonable opportunity to cure a similar
1-22 violation within the preceding six months; and

1-23 (B) may request a hearing under Section 209.007
1-24 on or before the 30th day after the date notice was delivered to the
1-25 owner; and

1-26 (3) specify a date certain by which the owner must cure
1-27 the violation [receives the notice].

1-28 (c) Notice under Subsection (b) must be personally
1-29 delivered, sent by certified mail with a return receipt requested,
1-30 or delivered by the United States Postal Service with signature
1-31 confirmation service to the owner at the owner's last known address
1-32 as shown on the association's records.

1-33 (d) The date specified in the notice under Subsection (b)(3)
1-34 must provide a reasonable period for the owner to cure the
1-35 violation.

1-36 SECTION 2. This Act takes effect January 1, 2010.

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