

AN ACT

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

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

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

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

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

(f) Not later than the seventh day after the date a written request for an update to a resale certificate delivered under Subsection (a) is received from an owner, owner's agent, or title insurance company or its agent acting on behalf of the owner, the 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 (g) Requests for an updated resale certificate pursuant to  
11 Subsection (f) must be made within 180 days of the date a resale  
12 certificate is issued under Subsection (a). The update request may  
13 be made only by the party requesting the original resale  
14 certificate.

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

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

S.B. No. 1918

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1918 passed the Senate on April 30, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1918 passed the House on May 13, 2009, by the following vote: Yeas 142, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor