

By: West

S.B. No. 1918

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disclosure of certain information by a property owners'
3 association.

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

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

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

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

20 (f) Not later than the seventh day after the date a written
21 request for an update to a resale certificate delivered under
22 Subsection (a) is received from an owner, owner's agent, or title
23 insurance company or its agent acting on behalf of the owner, the
24 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.