

Amend CSSB 142 (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 5.012(g), Property Code (page 2, line 14), between "otherwise agreed" and the period, insert "by the purchaser and seller of the property".

(2) In SECTION 8 of the bill, in amended Section 207.003(c), Property Code (page 5, line 27), between "otherwise agreed" and the period, insert "by the purchaser and seller of the property".

(3) In SECTION 11 of the bill, strike added Sections 209.0041(g), (h), and (i), Property Code (page 5, line 68, through page 6, line 9), and substitute the following:

(g) Except as provided by this subsection, a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association, in addition to any governmental approval required by law. If the declaration contains a lower percentage, the percentage in the declaration controls.

(h) A bylaw may not be amended to conflict with the declaration.

(4) In SECTION 12 of the bill, in amended Section 209.005(c), Property Code (page 6, lines 22 and 23), strike "an owner's agent" and substitute "a person designated in a writing signed by the owner as the owner's agent".

(5) In SECTION 12 of the bill, strike added Sections 209.005(i) and (j), Property Code (page 7, lines 23-45), and substitute the following:

(i) A property owners' association board must adopt a records production and copying policy that prescribes the costs the association will charge for the compilation, production, and reproduction of information requested under this section. The prescribed charges may include all reasonable costs of materials, labor, and overhead but may not exceed costs that would be applicable for an item under Section 552.261, Government Code. The policy required by this subsection must be recorded as a dedicatory instrument in accordance with Section 202.006. An association may not charge an owner for the compilation, production, or reproduction of information requested under this section unless the policy prescribing those costs has been recorded as required by

this subsection. An owner is responsible for costs related to the compilation, production, and reproduction of the requested information in the amounts prescribed by the policy adopted under this subsection. The association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.

(j) A property owners' association must estimate costs under this section using amounts prescribed by the policy adopted under Subsection (i).

(6) In SECTION 12 of the bill, in added Section 209.005(k), Property Code (page 7, line 46), between "Subsection (l)" and the comma, insert "and to the extent the information is provided in the meeting minutes".

(7) In SECTION 12 of the bill, in added Section 209.005(k), Property Code (page 7, line 47), strike ", other than in meeting minutes,".

(8) In SECTION 13 of the bill, in the recital (page 8, line 48), strike "and 209.00592" and substitute "209.00592, and 209.00593".

(9) In SECTION 13 of the bill, in added Section 209.0051(b), Property Code (page 8, lines 58-61), strike the following:

⋮

(1) the gathering of a quorum of the board at a board workshop where formal action is not taken; or

(2)

(10) In SECTION 13 of the bill, in added Section 209.0051(c), Property Code (page 9, line 8), between "summarized

orally" and the comma, insert "and placed in the minutes".

(11) In SECTION 13 of the bill, strike added Section 209.0051(h), Property Code (page 9, line 59, through page 10, line 9), and substitute the following:

(h) A board may meet by any method of communication, including electronic and telephonic, without prior notice to owners under Subsection (e), if each director may hear and be heard by every other director, or the board may take action by unanimous written consent to consider routine and administrative matters or a reasonably unforeseen emergency or urgent necessity that requires immediate board action. Any action taken without notice to owners under Subsection (e) must be summarized orally, including an explanation of any known actual or estimated expenditures approved at the meeting, and documented in the minutes of the next regular or special board meeting. The board may not, without prior notice to owners under Subsection (e), consider or vote on:

(1) fines;

(2) damage assessments;

(3) initiation of foreclosure actions;

(4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

(5) increases in assessments;

(6) levying of special assessments;

(7) appeals from a denial of architectural control approval; or

(8) a suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense, on the issue.

(12) In SECTION 13 of the bill, strike added Section 209.0056(a), Property Code (page 10, lines 25-28), and substitute the following:

(a) Not later than the 10th day or earlier than the 60th day before the date of an election or vote, a property owners' association shall give written notice of the election or vote to:

(1) each owner of property in the property owners' association, for purposes of an association-wide election or vote;

or

(2) each owner of property in the property owners' association entitled under the dedicatory instruments to vote in a particular representative election, for purposes of a vote that involves election of representatives of the association who are vested under the dedicatory instruments of the property owners' association with the authority to elect or appoint board members of the property owners' association.

(13) In SECTION 13 of the bill, in added Section 209.0057(d), Property Code (page 11, line 4), between "cost of the recount." and "Any action", insert "The property owners' association shall provide the results of the recount to each owner who requested the recount."

(14) In SECTION 13 of the bill, after added Section 209.00592, Property Code (page 12, between lines 24 and 25), insert the following:

Sec. 209.00593. ELECTION OF BOARD MEMBERS. (a)
Notwithstanding any provision in a dedicatory instrument, any board member whose term has expired must be elected by owners who are members of the property owners' association. A board member may be appointed by the board only to fill a vacancy caused by a resignation, death, or disability. A board member appointed to fill a vacant position shall serve the unexpired term of the predecessor board member.

(b) The board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection (a).

(c) The appointment of a board member in violation of this section is void.

(d) This section does not apply to the appointment of a board member during a development period, as defined by Section 202.011.

(e) This section does not apply to a representative board whose members or delegates are elected or appointed by representatives of a property owners' association who are elected by owner members of a property owners' association.

(15) In SECTION 15 of the bill, in added Section

209.0062(c), Property Code (page 13, line 5), strike "12 months" and substitute "18 months".

(16) In SECTION 15 of the bill, in added Section 209.0063(a), Property Code (page 13, lines 23-24), strike "or otherwise provided in writing by the property owner at the time payment is made".

(17) In SECTION 15 of the bill, strike added Section 209.0064, Property Code (page 13, lines 45-58), and substitute the following:

Sec. 209.0064. THIRD PARTY COLLECTIONS. Before a property owners' association may assess the account of an owner for reimbursement of reasonable attorney's fees and other reasonable costs payable by the association to another party or billed by a third party to the association on a contingency basis and that are related to collecting assessments or other amounts owed the association by the owner, the association must provide a notice to the owner by certified mail, return receipt requested, that:

(1) specifies each delinquent amount and the total amount of the payment required to make the account current;

(2) describes the options the owner has to avoid liability for attorney's fees or other costs related to collection of those amounts, including information regarding the availability of a payment plan through the association; and

(3) provides a period of at least 30 days for the owner to cure the delinquency before further action is taken by the association.

(18) In SECTION 16 of the bill, in added Section 209.0091(a), Property Code (page 13, line 63), between "as provided by Subsection (c)" and the comma, insert "and subject to Section 209.009".

(19) Strike SECTION 3 of the bill.

(20) Insert the following appropriately numbered SECTION in the bill:

SECTION _____. Section 209.009, Property Code, is amended to read as follows:

Sec. 209.009. FORECLOSURE SALE PROHIBITED IN CERTAIN CIRCUMSTANCES. A property owners' association may not foreclose a

property owners' association's assessment lien if the debt securing the lien consists solely of:

(1) fines assessed by the association; [~~or~~]

(2) attorney's fees incurred by the association solely associated with fines assessed by the association; or

(3) amounts added to the owner's account as an assessment under Section 209.005(i).

(21) Renumber SECTIONS of the bill appropriately.