

By: Farias

H.B. No. 1397

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting nonjudicial foreclosure by a property
3 owners' association on residences owned by certain members of the
4 military.

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

6 SECTION 1. Section 51.002, Property Code, is amended by
7 adding Subsection (i) to read as follows:

8 (i) Notice served under Subsection (b)(3) or (d) must state
9 the name and address of the sender of the notice and contain a
10 statement that is conspicuous, printed in boldface or underlined
11 type, and substantially similar to the following: "If you are or
12 your spouse is serving on active military duty, including active
13 military duty as a member of the Texas National Guard or the
14 National Guard of another state or as a member of a reserve
15 component of the armed forces of the Unites States, please send
16 written notice of the active duty military service to the sender of
17 this notice immediately."

18 SECTION 2. Section 51.015(a), Property Code, is amended by
19 adding Subdivision (1-a) to read as follows:

20 (1-a) "Assessment" and "regular assessment" have the
21 meanings assigned by Section 209.002.

22 SECTION 3. Section 51.015(b), Property Code, is amended to
23 read as follows:

24 (b) This section applies only to an obligation:

1 (1) that is secured by a mortgage, deed of trust, or
2 other contract lien, including an assessment or regular assessment,
3 on real property or personal property that is a dwelling owned by a
4 military servicemember;

5 (2) that originates before the date on which the
6 servicemember's active duty military service commences; and

7 (3) for which the servicemember is still obligated.

8 SECTION 4. The changes in law made by this Act apply only to
9 the levy of an assessment or regular assessment as described by
10 Section 51.015, Property Code, as amended by this Act, the
11 effective date of which is on or after the effective date of this
12 Act. A levy of an assessment or regular assessment the effective
13 date of which is before the effective date of this Act is governed
14 by the law as it existed immediately before the effective date of
15 this Act, and that law is continued in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2011.