

By: Van de Putte, Nelson  
West

S.B. No. 101

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosure by a property owners' association.

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

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

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

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

(1-a) "Assessment" and "assessments" have the meanings assigned by Sections 82.113(a) and 209.002, as applicable.

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

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

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

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

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

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

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