

By: West

S.B. No. 1502

A BILL TO BE ENTITLED

AN ACT

relating to changing the composition of a board of a property owners' association in certain circumstances.

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

SECTION 1. Chapter 209, Property Code, is amended by adding Section 209.014 to read as follows:

Sec. 209.014. MANDATORY ELECTIONS IN CERTAIN CIRCUMSTANCES. (a) Notwithstanding any provision in a dedicatory instrument, the board of the property owners' association shall call a special election to elect a new board not later than the 30th day after the date on which the board fails to call a regular meeting of the members of the association as required by a dedicatory instrument.

(b) If the board fails to call a special election as required under Subsection (a), an owner may demand that the election be held within a reasonable time. The demand must be made in writing and sent to each board member by certified mail, return receipt requested.

(c) If the board fails to call the special election before the 61st day after the date the owner mailed the demand under Subsection (b), an owner may compel the association to hold the special election by initiating legal action against the board members. Each owner has a justiciable interest sufficient to initiate and prosecute a legal action described by this subsection.

1 SECTION 2. The changes in law made by this Act apply to a
2 property owners' association created before, on, or after the
3 effective date of this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2011.