

## BILL ANALYSIS

C.S.H.B. 2148  
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Business & Industry  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties claim that current law is unclear on whether property owners' association boards are required to offer more than one method of voting in an election, which could amount to a considerable cost to the association. C.S.H.B. 2148 amends the applicable law to provide clarity on the matter.

### CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 2148 amends the Property Code to specify that a property owners' association subject to the Texas Residential Property Owners Protection Act is not required to provide an owner with a voting method that is not required by a dedicatory instrument but must allow an owner to vote by absentee ballot or by proxy in any vote or election in which a vote may be cast or given in person.

### EFFECTIVE DATE

September 1, 2015.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2148 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 209.00592, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Unless a dedicatory instrument provides otherwise, a property owners' association is not required to provide an

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 209.00592, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), and except as provided by this subsection, a property owners' association is not required

84R 26009

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Substitute Document Number: 84R 24207

owner with more than one voting method.

to provide an owner with a voting method that is not required by a dedicatory instrument. The association must allow an owner to vote by absentee ballot or by proxy in any vote or election in which a vote may be cast or given in person.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.