

By: Burton

S.B. No. 1244

A BILL TO BE ENTITLED

AN ACT

relating to property owners' association elections and votes.

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

SECTION 1. Section 209.0041(h), Property Code, is amended to read as follows:

(h) Except as provided by this subsection, a declaration may be amended only by a vote of 60 ~~[67]~~ percent of the total votes cast by members of ~~[allocated to property owners in]~~ the property owners' association, in addition to any governmental approval required by law. If the declaration contains a lower threshold ~~[percentage]~~, the threshold ~~[percentage]~~ in the declaration controls.

SECTION 2. Section 209.0056(a), Property Code, is amended to read as follows:

(a) Not later than the 30th ~~[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

1 vested under the dedicatory instruments of the property owners'  
2 association with the authority to elect or appoint board members of  
3 the property owners' association.

4       SECTION 3. The change in law made by this Act applies only  
5 to an election or vote held on or after November 1, 2015. An  
6 election or vote held before November 1, 2015, is governed by the  
7 law applicable to the election or vote immediately before the  
8 effective date of this Act, and that law is continued in effect for  
9 that purpose.

10       SECTION 4. This Act takes effect September 1, 2015.