

By: Smithee

H.B. No. 3868

A BILL TO BE ENTITLED

AN ACT

relating to the vote to authorize background and criminal history checks on tenant applicants by a property owners' association.

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

SECTION 1. Chapter 209, Property Code, is amended by adding Section 209.018 to read as follows:

Sec. 209.018. BACKGROUND CHECKS. Notwithstanding Section 209.0041 or any other law or a provision in a dedicatory instrument regarding the percentage vote required to amend a dedicatory instrument, on approval of an affirmative vote of a majority of owners, a property owners' association may adopt and enforce a provision in a dedicatory instrument requiring an applicant for a long-term or short-term tenancy of a property in the subdivision to consent to a background and criminal history check conducted by or on behalf of the property owners' association.

SECTION 2. Section 209.018, Property Code, as added by this Act, applies to a dedicatory instrument adopted before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.