87R11610 MWC-F

By:  J. Johnson of Harris H.B. No. 3844

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the department of consumer affairs services for property owners and property owners' associations within the office of the attorney general.

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

SECTION 1.  Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.0235 to read as follows:

Sec. 402.0235.  DEPARTMENT OF CONSUMER AFFAIRS SERVICES FOR PROPERTY OWNERS AND PROPERTY OWNERS' ASSOCIATIONS. (a) In this section:

(1)  "Department" means the department of consumer affairs services for property owners and property owners' associations established under this section.

(2)  "Property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b)  The department of consumer affairs services for property owners and property owners' associations is established within the office of the attorney general.

(c)  The department shall receive and make a record of any complaint, by telephone or in writing, from a property owner or property owners' association.

(d)  The department shall develop and make available to the public a form to be used by a property owner or property owners' association to submit a written complaint under Subsection (c) or by a department employee to make a record of a complaint received by telephone under Subsection (c). The form must include spaces for the property owner or property owners' association to provide or the department employee to record:

(1)  the property owner's name;

(2)  the name and contact information of the property owners' association, including the county and municipality, if applicable, where the association is located;

(3)  the name and contact information of any management company engaged by the property owners' association, including the management company's telephone number, owner's name, and street and mailing addresses;

(4)  whether a property owner:

(A)  was informed that membership in the property owners' association was required as a condition of property ownership, including, if applicable, when and by whom the property owner was informed;

(B)  received a copy of the property owners' association's governing documents and if the documents were obtained before or after the property owner received title to the property;

(C)  was denied access to the property owners' association's governing documents and, if so, any actions the property owner took to attempt to obtain a copy of the documents; and

(D)  understands the rights and obligations of the property owner and property owners' association under the property owners' association's governing documents;

(5)  the nature of the property owner's or property owners' association's complaint;

(6)  whether the property owner attempted to communicate a complaint to the property owners' association or the property owners' association's management company, if applicable, whether the property owner exhausted all remedies in accordance with any terms under the property owners' association's governing documents or applicable rules and regulations, and what action, if any, the property owners' association or the property owners' association's management company took concerning the complaint;

(7)  whether the property owner agrees or disagrees with the provisions of the property owners' association's governing documents that are the subject of the complaint;

(8)  whether the property owner agrees or disagrees with how the provisions of the property owners' association's governing documents were enforced and any recommendations for changing the provisions of the property owners' association's governing documents or means of enforcement, including whether the property owner feels that more or less enforcement is needed;

(9)  whether a response was provided by the applicable property owners' association or property owner to a specific complaint provided by the department under Subsection (e) and, if applicable, the contents of the response; and

(10)  if applicable, the identity of the department employee creating the record.

(e)  On receiving a property owner's or property owners' association's complaint, the department shall provide the complaint to the property owner or the property owners' association complained against in a manner that verifies receipt of the complaint by the property owner or property owners' association, so that the property owner or property owners' association may determine whether the property owner or property owners' association desires to respond to the complaint.

(f)  Any complaints related to the validity of a property owners' association shall be referred to the appropriate division in the office of the attorney general.

(g)  Not later than January 31 of each year, the department shall submit a consolidated report of all complaints received under and associated information collected as required by this section to:

(1)  the governor; and

(2)  each member of the legislature.

(h)  The department shall post on the office of the attorney general's Internet website the consolidated report required by Subsection (g). The public report:

(1)  must include categorized, filterable, and searchable information compiled from the complaints and responses; and

(2)  may not contain any personal or private information contained in the complaints and responses, including names, addresses, and telephone numbers.

(i)  The prohibition on the disclosure of personal and private information specified under Subsection (h)(2) does not apply to information concerning a property owners' association or a property owners' association's management company.

SECTION 2.  This Act takes effect September 1, 2021.