

By: J. Johnson of Harris

H.B. No. 3844

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of the department of consumer affairs
3 services for property owners and property owners' associations
4 within the office of the attorney general.

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

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

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

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

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

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

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

22 (d) The department shall develop and make available to the
23 public a form to be used by a property owner or property owners'
24 association to submit a written complaint under Subsection (c) or

1 by a department employee to make a record of a complaint received by
2 telephone under Subsection (c). The form must include spaces for
3 the property owner or property owners' association to provide or
4 the department employee to record:

5 (1) the property owner's name;

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

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

13 (4) whether a property owner:

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

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

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

26 (D) understands the rights and obligations of the
27 property owner and property owners' association under the property

1 owners' association's governing documents;

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

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

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

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

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

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

27 (e) On receiving a property owner's or property owners'

1 association's complaint, the department shall provide the
2 complaint to the property owner or the property owners' association
3 complained against in a manner that verifies receipt of the
4 complaint by the property owner or property owners' association, so
5 that the property owner or property owners' association may
6 determine whether the property owner or property owners'
7 association desires to respond to the complaint.

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

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

- 15 (1) the governor; and
16 (2) each member of the legislature.

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

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

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

26 (i) The prohibition on the disclosure of personal and
27 private information specified under Subsection (h)(2) does not

1 apply to information concerning a property owners' association or a
2 property owners' association's management company.

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