

By: Miles

S.B. No. 749

A BILL TO BE ENTITLED

AN ACT

relating to the foreclosure of property owners' association
assessment liens on certain boarding home facilities.

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

SECTION 1. Chapter 209, Property Code, is amended by adding
Section 209.017 to read as follows:

Sec. 209.017. FORECLOSURE SALE OF CERTAIN BOARDING HOME
FACILITIES. (a) In this section:

(1) "Abuse" and "neglect" have the meanings assigned
by Section 260A.001, Health and Safety Code.

(2) "Boarding home facility" has the meaning assigned
by Section 260.001, Health and Safety Code.

(b) Notwithstanding Section 209.009 or other law, a
property owners' association may judicially foreclose a property
owners' association's assessment lien on property used as a
boarding home facility if:

(1) the debt securing the lien consists solely of
fines assessed by the association for a violation of the
restrictions or bylaws or rules of the association; and

(2) the violation constitutes neglect or abuse of a
resident of the boarding home facility.

(c) The court must conduct a hearing to determine whether a
resident of the boarding home facility suffered abuse or neglect at
the facility. If the court determines that abuse or neglect

1 occurred, the court may award proceeds from the foreclosure sale of
2 the boarding home facility to the victim of the abuse or neglect as
3 damages.

4 SECTION 2. The change in law made by this Act applies only
5 to a violation committed on or after the effective date of this Act.
6 A violation committed before the effective date of this Act is
7 governed by the law in effect on the date the violation was
8 committed, and the former law is continued in effect for that
9 purpose.

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