

PUBLIC COMMENTS

HB 2912

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: April 6, 2021 8:00 AM

Roger Frazier

SELF RETIRED MILITARY

Holly Lake Ranch, TX

The Holly Lake Ranch Association advertised for two board member vacancies each with a different term of limits. The association only had two candidates for the two vacancies. The Board canceled the vote for board members against our bylaws and restrictions. The existing BOD members agreed to flip a coin to assign the candidate to a position. The Board Members made up fictitious numbers of votes in excess of normal votes cast to prevent a recall of either new member. Per our Bylaws, it only takes 1 vote in excess of the vote cast to recall the Board Member. The two new board members were not elected by our Bylaws serving terms based on the votes cast. These members are seated on the board improperly.

The Holly Lake Ranch Association Bylaws originally had 1 vote per lot in agreement with HLR deed documentation. Members with multiple lots were able to cast as many votes per the number of lots. The succeeding BOD's removed the association member's right to vote with multiple lots and changed it to 1 vote per member account. This action does not allow a husband and wife to cast their membership right to vote. Only the first party that votes is designated as the account owner and the only proper voter for any election.

The General Manager with the approval of the Board Members submitted an approximately \$372,000 PPP loan application without an association member vote approving such application. The association members pay their dues and/or assessments as part of the Board Approved Fiscal Budget. Therefore, all salaries, wages, and expenses were covered by the association's finances. This PPP loan was requested under suspicious pretenses and with further planned actions of requesting loan forgiveness. There was never an association vote to authorize such a financial burden on the members. This action was taken only by the approval of the Board Members' vote.

sandra/John Saunders

self

Holly Lake Ranch, TX

We purchased our home in 2017 at Holly Lake Ranch. Since we have been here the only thing we are allowed to vote on with regards to our HOA are board members. They have changed the rules, regulations, bylaws, board members, and added an amenity at the cost of the homeowners all without a vote by the members. We have a restaurant that has always lost money so to the advantage of a few members that use the restaurant the board voted to maintain and operate the restaurant with our HOA dues to keep it up and running. One year we didn't even get to elect our board members. Since only 2 candidates ran the board decided to make them the new members without giving us the right to vote on them or to be able to write in a candidate. They are now in the process of updating rules & regulations on STRs at HLR without members being able to vote on the changes that effects all the home owners. They have changed or added bylaws without members voting on them. We also have our rates raised every year without a vote. Sometimes they hold meeting to discuss the changes, but what we say is only to appease us since they always choose what the current board members want not what the members voted for. I feel as a member of the HOA I should have a voice in the major issues that effect me as a homeowner since I am an active member that is paying dues to my HOA. An added note we as husband and wife are on the deed of our property, but only one of us is allowed to vote. Thank you for letting me comment.

Elvira Garza

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Self

Channelview, TX

Please help us in Sterling Green CIA. We've been abused by the board of the HOA for many years. They break every law and do what they want with no consequences or repercussions. They have increased pay to the office manager bc she is dating the Board President. They have arrested a community member bc he had proxies to vote them out on Election Day last year and they had him arrested & removed by the security police. Now that member is suing the HOA as he was falsely arrested. The board has changed the bylaws without the community's vote or approval. They also made up laws that should not be in place, such as they require a majority vote of 4 out of 5 board members and not the 3 out of 5 to vote on anything. They also have a contract for the office manager that no one can remove her in the future. Even if it's a new board they are changing laws using a crooked lawyer that knows nothing about the Texas property codes. Please HELP US! We need REFORM! They are destroying our community without any consequences. They also have wasted thousands of our \$\$\$ on 7 lawyers to go after the homeowners that they don't like. When will our elected officials get involved. I'm a taxpayer and I deserve justice in this matter. We voted 2 homeowners in last year & the current board wouldn't allow them to take their place bc they said it wasn't legal. They were the only ones that could choose who they allowed to run for the board! Please HELP US!!!

Douglas Wankowski, Lt Col, USAF Ret

"Self", Realtor,

San Angelo, TX

I am a disabled combat veteran with 22+ years of service in Special Operations, I suffer physical and mental injuries, I am currently at risk of losing my home by foreclosure from my HOA BOARD. In 2015, my wife and I purchased a home in Highland Range HOA, in San Angelo, Texas. In 2017, I found myself in conflict with the BOD for doing what was explicitly allowed in the Deeds and Restrictions. The Board President piled on additional violations, refusing to provide descriptions. 2017, I filed a request for reasonable accommodations that the board provide "descriptions" of my violations so I could be in compliance. They refused. A Fair Housing Complaint was filed, however, the TWC investigator sided with the board, stating they could not consider Texas Property Code 209 in determining if my request was reasonable. In 2018 I claimed an exemption in our Deeds from assessments for all Tax exempt properties. Under definition of assessments it included fines, it was the only way I could stop the violations and fining. In the TWC investigation the board testified that it was not their practice to uniformly apply the rules, only to act on complaints. The board refused to honor the exemption and placed a lien on my property. After \$2000 in attorneys fees they released the lien January 2019. However, immediately went about amending the Deeds and Restrictions on a false premise that they needed to add a table of contents. The membership was led to believe the table of contents was the only change. April 2019 at the special meeting of the association membership, the board failed to get the required votes to pass the amendment, so the board, without a vote of the membership violated the agenda, and suspended the meeting for two weeks so the BOD could gather or manufactured votes to pass the amendment. Because I have been violently confronted by board members I can't attend meetings, however, four witness emailed me that they observed board members filling out ballots after the meeting. May 2019, two days after they announced the amendment passed, I once again began receiving notices of violations. In January of this 2021, I received notice from the association attorney Cagle Carpenter Hazlewood, that it is the boards intent to foreclose on my property and sell it for amounts owed the association. What I have learned, association members are totally unaware of their rights in a HOA, that our BOD is unaware or indifferent to Texas Property Code 209. I live on my retirement and disability. I don't have thousands of dollars that my board has committed to legal action against me. It is disgraceful that a veteran who served our nation honorably would lose his home to an out of control board, but this is what is happening. I am thousands of dollars into legal bills with no end in sight, it will not belong before I will have my house foreclosed on or I have to sell. PLEASE HELP!!, I WILL REACH OUT TO THE PRESS.

Virginia Griego

Self

San Antonio, TX

As a Board Member, I truly recognize the need to hold Board Members accountable for failure to adhere to the governing documents. The fiduciary duty of a Board Member is taken lightly by many Boards and that is often to the detriment of the community. Homeowners invest in their neighborhoods and sign the governing documents believing that the rules and guidelines

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in the documents will serve to protect the value of the home they are purchasing. In addition, Board Members that do make every attempt to adhere to the governing documents often find that their efforts are thwarted by neighboring Boards that fail to enforce their rules. When Homeowners discover this lackadaisical management, they refuse to abide by the rules in their own community.

Nancy Kozanecki, Director
HOA Reform Coalition of Texas
Friendswood, TX

HOA Reform Coalition of Texas and myself supports HB2912. HB2912 is a non-partisan bill that requires no funding.

In 2012, The Texas Legislature made sweeping changes in the Texas Property Code 209. The new laws were celebrated by POA members across Texas.

However, what soon became a reality was that board members determined they could still operate as they had prior to September 2012 because even if they violated the terms of 209 they received no penalty for violations of this code and property owners had no tool to enforce 209 against those who knowingly violated this law.

Just an example from my personal experience. HOAs not calling meetings properly or providing appropriate agendas. When pointed out the Board states that this will not happen again. Needless to say, this has happened over and over.

From the HOA Reform Coalition perspective, I receive numerous complaints from association members across the state that their associations are “secretive”. Access to records is one of the most common complaints. Many members are unable to obtain requested records by the Board. The Board just says no or by just extends the time frame to deliver records.

Please visit the Coalition website <https://hoareformcoalition.org/complaints-and-concerns/> to learn what those who live in POAs endure with rogue Boards.

So, it is now clear that 209 needs to address how to enforce the code by adding penalties to POA board members across Texas that continue to ignore the law.

Bill HB2912 does not ask for jail time or financial penalties for Texas POA Board Members. It only requests the immediate removal of a board member found to be violating any section of Texas Property Code 209.

Adding this penalty helps POA property owners all across Texas to have swift, cost effective, recourse in regulating the POA form of government.

Thank you in advance for your vote to pass this bill.

Respectfully,
Nancy Kozanecki
HOA Reform Coalition of Texas - Director

Linda Buoy, Member at Large
Sterling Green North CIA
HOUSTON, TX

I am a Member at Large of the Sterling Green North CIA, in Harris County, Houston, Tx for the past 2 years. I was elected Vice President in 2019, and then the Board of Directors removed me to Member at Large because I would not vote and go along with the illegal activities they started approving in 2019. I have personally witnessed so many illegal acts performed by my HOA. In 2019, I witnessed the President resign by informing the office manager, and then the office manager called a meeting with the board members, and then she suggested that the secretary become President. All of this done while in an Executive meeting called by an Office Manager. They have filed frivolous law suits and have had people arrested at the public HOA meetings. The

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President has taken it upon himself to file illegal By-laws that have NOT been voted on by the HOA members. The President has also filed illegal fines with the Courts to the HOA members that have NOT been voted on by the HOA members, which again it states in our By-laws that we must have a vote of 67% approval from the HOA members . They also held an illegal election in 2020, and would not accept proxies because the President and office manager did not like the HOA member that got the votes by proxy. There are numerous lawsuits going on with the HOA and Board Members and there should be a State Organization that can supervise activities of the HOA Board Members for illegal actions for not following the State Property Codes. Employees have been discriminated against, but because there are less than 15 employees at the HOA, then it is much more difficult for the employee to get justification for illegal activities. I have requested to see our financial records, not once, but twice, and the Board of Directors will not even respond. I am also a home owner, and there has been other home owners who have requested to see the financials, and we have not been given the right to do so. Also, I suggested we have the Office Manager and the Treasurer legally bonded, and that was denied because our Office Manager has a criminal past. If By-Laws and Property Codes are not followed properly, then the HOA and the HOA members should be able to rectify the situation in a more timely manner by reporting to an agency rather than having to file a lawsuit.

Jose Gamboa

Liberty lakes HOA

Houston, TX

We are having issues with our HOA on their fees.chargin outrag6amounts to just send a letter or certified letters. There are different kinds of commercial vehicles. My commercial vehicle is a van and fits on my drive way. Doesn't bother anyone my drive way. And beve been threaten with letter to remove it or they will lfine Me and then will send letters from attorney which they will get more expensive. My vehicle stay In drive way on weekends and Holidays and during the week in the after noon. I live in a cul de sac and all my neighbors do not mind the van.

Lillie Crist

Self

Channelview, TX

Sterling Green HOA has been taken over by the board members. They have not held one meeting last year or this year and they have been changing bylaws and deed restrictions without allowing the community to vote. They have now voted to not allow anyone to run for the board unless nominated by the nominating committee of which only board members may nominate to.

Holly Dewar

Self/Retired Commercial General Contractor Project Manager

Bluff Dale, TX

I support the revision to Chapter 209 of the Property Code with the addition of Section 209.017.

Robert Pierson, Mr.

self I am a disabled retiree from USS

Channelview, TX

I have twice filed discrimination complaints against Sterling Green HOA. In my first complaint, (TWCCRD #2170254-HU; HUD#06-17-8699-8) I was fined \$150 because the HOA took 1 picture of a stray cat in my driveway. I foolishly agreed to arbitration which I won and the HOA was supposed to go to classes and pay me back but never did this was in 2017. In my latest case which I was fined \$50 for having 2 flat tires on our Lexus and for not cutting the grass. The Investigator for the TWC told me that the HOA had given 30 people citations so there was no discrimination. When I asked Mr. Cooper about the fact that they lied twice as I had no flats at all on any car. He said that they had gone back and checked and had as a result withdrawn the \$50 fine so there was no discrimination in his opinion. When I asked about the charge of not cutting my grass when I was cutting the grass of my sick neighbor for free and my neighbor across the street as well and that they had not been fined he said that my

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monkey grass which we have used as a trim for 30 years was why I was cited. When I pointed this out he said that it probably no longer considered aesthetic by the HOA. When I asked him about the fact that the HOA was guilty of Human Trafficking he said that was a criminal matter but he would put in his report that it should be reported to law enforcement but never put that in his report. Mr. Cooper did get involved in my ADA request for reasonable accommodation. He asked me for medical proof of my claim. I told him that the HOA had not responded to my request and until they did they had no right to ask me for proof using the TWC investigator as their lawyer. When I complained about this to my elected representatives most did not even respond. Ted Cruz responded "that this is a matter that does not fall within the jurisdiction of the U.S. Senate or the federal government" Apparently allegations of forced labor in China are within his jurisdiction. I also got a reply from Ana Hernandez who referred me to legal aid. After I was cited the first time, I was again cited after I requested reasonable accomadation, and when Mr. Cooper kept saying that my Turmeric plants did not get that big overnight I told him I agreed completely and that he should make himself a timeline so he would realize that the citation he referred to was written after I asked for reasonable accommodation and since as he pointed out these plants did no grow this big in the few days between citations and that would make it retaliation. I also filed a complaint with OSHA but apparently, slave labor has no safety standards or requirements of liability if we or someone we hire is hurt while forced to maintain the HOA's property without any safety equipment or any safety standards. I will cut and paste some of the e-mails I wrote.

I believe that the state of Texas and my HOA are committing human trafficking, abuse of the elderly, and abuse of the disabled by forcing me to work for free and maintain p

Brian Hairbottle

SELF

Channelview, TX

Our HOA has been plagued by a corrupt and criminal board and office manager, who have committed illegal acts, gone against the Texas Property code and have sold properties illegally, committed election fraud and have squandered mamy thousands of dollars from homeowners dues on frivolous lawsuits. There has to be a governing body that the HOA's answer to. I am part of a group of 6 individuals who have come out of pocket to hire a lawyer to try and stop them. We are several thousand dollars imto it out of our pockets which SHOULD NOT BE NECESSARY IF THERE WERE A GOVERNING BODY TO WHICH THEY ANSWER.. WHY should homeowners be persecuted harassed and have to use their own money to fight a board and office manager who are crooked and corrupt?? The office manager is a convicted felon, for DUI MANSLAUGHTER, but is being protected, is having an affair with the board president who is going to court in May for a 3rd DUI offense. WE NEED A DEPARTMENT TO WHOM THEY ANSWER TO.

Livingston Hampton Jr, Mr.

Self / Retired

Houston, TX

This bill has been needed for a decade. I'm a 41 yr. homeowner in the Sterling Green subdivision and have actively attended HOA meetings, Co- chair of the Bylaws Committee, Election Committee Chair and have worked tirelessly with other homeowners in trying to get the board to adhere to the property code and bylaws. It is like living under a dictatorship.. Rules not in line with the current bylaws or property code are not followed especially when elections are held. The board doesn't include homeowners in revising the Bylaws, the bylaw committee was abolished by the board after the committee worked for 6 months revising outdated bylaws. The board didn't like the revised bylaws and didn't want to meet with the committee. I'm pleading that this bill be presented and voted in. Thank you for your service.

MARTIN KRALIK

SELF - RETIRED

DALLAS, TX

TO: The Honorable Judiciary & Civil Jurisprudence Committee members,

RE: Support for passing HB 2912

Issue: When Texas Property Code 209 was passed in 2012, it failed to provide any penalty to a POA board member that violates

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any section of 209 except for the Open Records Section.

Solution: HB 2912 utilizes the JP solution already offered in the Open records section of TPC209. Under HB 2912 if a board member has violated a section of TPC209, a property owner can file an action in the JP court. If the JP finds that a board member has violated a section of TPC 209 the JP will issue an order immediately removing the board member.

The JP solution has the following attributes:

1. It is swift
2. It provides an inexpensive remedy for a property owner to have a 3rd party decide the results of their claim.
3. It will act as a deterrent across the state as Board Members will now realize they can no longer continue to violate TPC209 and not suffer any ramifications.
4. It requires no appropriation funding.
5. It does not ask for Jail time for an offending Board member
6. It does not ask for any fines for an offending Board Member
7. If the board member wants to dispute the JP order they have to deal with Attorney General's office.

Traditional remedies such calling for a special meeting, holding a petition drive, creating a recall election or filing a lawsuit in District Court are not the best penalty to fit the crime. These remedies are expensive to initiate the process, take time and allow violating Board members to stay on the Board to possibly violate other sections of TPC209.

HB2912 provides an effective solution to providing enforcement action to the majority sections of TPC209.

Please vote to Pass HB 2912 out of committee.

Best Regards,

MARTIN KRALIK

214 549-5179

6818 VINERIDGE DR.

DALLAS, TX 75248

Irene Adolph, Mrs.

HOA Reform Coalition/self

Houston, TX

To: The Honorable Jeff Leach, Chair House Judiciary & Civil Jurisprudence Committee,

I support HB2912. HB2912 is a non-partisan bill that requires no funding.

In 2012, The Texas Legislature made sweeping changes in the Texas Property Code 209. The new laws were celebrated by POA members across Texas.

However, what soon became a reality was that board members determined they could still operate as they had prior to September 2012 because even if they violated the terms of 209 they received no penalty for violations of this code and property owners had no tool to enforce 209 against those who knowingly violated this law.

The HOA Reform Coalition has received numerous complaints over the years from association members across the state that their associations are "secretive". Not having access to records is one of the most common complaints. Many members are unable to obtain requested records from the Board. The Board just says "no" or just extends the time frame to deliver records.

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Thank you in advance for your vote to pass this bill.

Respectfully,

Mrs. Irene "Beanie" Adolph
4610 Creekbend Dr.
Houston, TX 77035
713-723-3284

Diane Dickerson
self, retired
Channelview, TX

The board members of my HOA - Sterling Green in Channelview, Tx, refused to accept proxy votes in our last election in March, 2020. They refused to provide ballots that would have resulted in 2 of them being replaced. A lawsuit initiated by some concerned residents was brought against the HOA board members and has been slowly going thru the courts since that time. They have used every sleazy tactic to delay any resolution. These board members have even changed our bylaws (by creating a "nominating committee" for future board members of whom they would have to approve) and fining guidelines without consent of the community. There has not been a community meeting about or notification of these changes. The concerned citizens only learned about them by looking up court records. What really galls me are these 2 things: 1) these are voluntary positions! What are they after by fighting for these positions? In my opinion, the obvious answer is money. and 2) The HOA lawyers are being paid by MY HOA dues! How much is left of our yearly dues - and whatever other monies may have been there when this group of misfits took over?? There has not been a complete audit for over 10 years! This is outrageous and I am thoroughly pissed off. Who do these board members think they are? Please, please, pass this bill into law so we are not at the mercy of these crooks before it is too late for my community - and I have lived here for 22 years.

Jay Blint
SELF

Holly Lake Ranch, TX

Issue: Texas Property Code 209 does not provide any penalty to a POA board member that violates any section of 209 except for the Open Records Section.

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Please vote to Pass HB2912 out of committee.

Best Regards,

Jay Blint
903 769 2693 Email: hlrpropertyowner@gmail.com
189 Pine Glen, Holly Lake Ranch Tx. 75765

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PATRICIA JORDAN

SELF RETIRED

DALLAS, TX

TO: The Honorable Judiciary & Civil Jurisprudence committee members,

RE: Support for passing HB2912

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Please vote to Pass HB2912 out of committee.

Best Regards,

PAT JORDAN

214 577-1307

6818 VINERIDGE DR

DALLAS, TX 75248

Christopher Rader

Self

Dallas, TX

RE: Support for passing HB2912

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Betty Harper

self Senior Career Management Consultant

San Antonio, TX

Please use this document to show my support for HB 1202, HB 1467, HB 1970, HB 2447, HB 3367, HB 3571, and HB 3857 and my OPPOSITION to HB 2274.

My husband and I live in Mission Trace Planned Unit Development, the first PUD in San Antonio, Texas. We have lived here since August 1974 and raised our two sons here. While we are small with our 260 homes, we have managed throughout these 47 years with some issues and problems but for the most part, board members respected and followed our governing documents with great respect for their fiduciary responsibilities. Within the past 3 years, our board members have mocked older residents, prevented some from entering our clubhouse, charged ridiculous fees for legal documents that we have the legal right to request including attorney fees for every document, paying companies for grounds and pool services without a contract knowing that legally required licenses were not valid, and attempting to change governing rules without following the prescribed processes detailed in our Bylaws and Covenants and Restrictions. Proxies have been obtained and used to elect board members to continue bullying tactics including distribution of letters targeting older residents.

I have discussed some of the above serious issues with Lyle Larson's office, provided documentation to our local SAFFE officer, and tried to assist other concerned homeowners without using expensive legal avenues.

As taxpayers we look to you, our representatives, to pass legislation that will provide some protection from boards and board members who are not responsible with our ever increasing fees, disregard our governing documents and waste our funds.

Thank you.

GEORGANNA CHATFIELD

SELF/HR FINANCIAL

DALLAS, TX

TO: The Honorable Judiciary & Civil Jurisprudence committee members

RE: Support for passing HB2912

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Best Regards,

GEORGANNA CHATFIELD

(214) 316-9768

6825 VINERIDGE DR.

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DALLAS, TX 75248

JAMES PHILLIPS

SELF/RETIRED

HOUSTON, TX

TO: The Honorable Judiciary & Civil Jurisprudence committee members

RE: Support for passing HB 2912

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Best Regards,

JAMES PHILLIPS

281 703-6284

17206 Firecreek Ridge Dr.

Houston, TX 77095

Cody Baird

Self

Channelview, TX

Sterling Green HOA (CIA) in Channelview TX is a haven of corruption. We have seen no less than violent abuse of power by the board members past and present. We are told things that are constantly against the law, and mailed certified letters at huge costs to inform us to comply with articles that are not defined in our Deed restrictions or By-Laws. I have a \$400 fine on my account at this time they are holding over me, and have been in suit against them in the past for violations. Please help us by reforming the law to enable them to be held accountable. The board is currently taking action against me for property in my back yard, and directly attacking me for things they claim are violations that don't exist in our governing documents, and are found on nearly every house in the neighborhood.

some examples include, drapes.. No Trespass signs, ATT doing work on my property (all through the neighborhood) digging and laying fiber optic cable, and all directly after posting to the next door app to show the actions being taken against other home owners. I am singled out and have no recourse.. 8 home owners are in suit against them for failing to accept proxy votes we all worked as a community to gather, and they have not publicly posted anything for us to even know what is going on in over a year. no meetings, no communications, nothing. I cant even begin to process it all into a coherent thought because there is just too much. we need help. we have had over 15 lawyers tied up in trying to have a fair election, and fair administration of the rules we all agreed to when we moved here... and it just isn't happening. I read every document in existence from the county website and from the HOA when I purchased here 3 years ago, and recently learned they just placed new deed restrictions with no vote from us.. how can they just change the laws without owner consent without any notice, vote or otherwise???? ? and how can I help

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you get this passed!?!?!?!?!?!?!?

CAROLYN COSGRIFF

SELF/RETIRED

PLANO, TX

TO: The Honorable Judiciary & Civil Jurisprudence committee members

RE: Support for passing HB 2912

Issue: In 2012 Texas Property Code 209 was passed by the Texas legislature but failed to provide any penalty to a POA board member that violates any section of 209 except for the Open Records Section.

Solution: HB 2912 utilizes the JP solution offered in the Open records section of TPC209. Under HB2912 if a board member has violated a section of TPC209, a property owner can file an action in the JP court. If the JP finds that a board member has violated a section of TPC 209 the JP will issue an order immediately removing the board member.

The JP solution has the following attributes:

1. It is swift
2. It provides an inexpensive remedy for a property owner to have a 3rd party decide the results of their claim.
3. It will act as a deterrent across the state as Board Members will now realize they can no longer continue to violate TPC209 and not suffer any ramifications.
4. It requires no appropriation funding.
5. It does not ask for Jail time for an offending Board member
6. It does not ask for any fines for an offending Board Member
7. If the board member wants to dispute the JP order they have to deal with Attorney General's office.

Traditional remedies such calling for a special meeting, holding a petition drive, creating a recall election or filing a lawsuit in District Court are not the best penalty to fit the crime. These remedies are expensive to initiate the process, take time and allow violating Board members to stay on the Board to possibly violate other sections of TPC209.

HB 2912 provides an effective solution to providing enforcement action to the majority sections of TPC209.

Please vote to Pass HB 2912 out of committee.

Best Regards,
Carolyn Cosgriff
469 387-0033
5613 Northbrook Dr.
Plano, TX 75093

Edna Chachere, Ms.

Self

Channelview, TX

Neighbors parking their vehicles in the back yard and I live in a Deed Restricted, so they say Community. I pay my HOA dues every year but when issues like this arise, nothing is done about it. It is like we have no one to help with this. I would like to know what are the Board members doing for this Community

Juan Torres

Self

Channelview, TX

Stop abuses