

By: Bumgarner

H.B. No. 4265

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the violation of certain laws and provisions of
3 governing instruments by, and the recall by property owners of, a
4 property owners' association board member.

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

6 SECTION 1. Chapter 209, Property Code, is amended by adding
7 Sections 209.00595 and 209.018 to read as follows:

8 Sec. 209.00595. RECALL OF BOARD MEMBERS. (a) Owners
9 holding at least 20 percent of all voting interests in a property
10 owners' association may petition the association and require a
11 special meeting to be called for the sole purpose of conducting a
12 recall election to recall a member of the board. The petition may
13 not name more than one board member to be subject to recall. Each
14 owner signing the petition shall provide the owner's printed name
15 and residential address and the date the owner signs the petition.
16 The petition must be sent by certified mail, return receipt
17 requested, to the registered agent of the property owners'
18 association and to the association at the address for the
19 association according to the most recently filed management
20 certificate.

21 (b) Not later than the 90th day after the date the property
22 owners' association receives the petition, the association shall
23 hold a meeting for the sole purpose of conducting the recall
24 election.

1 (c) If the majority of votes received in a recall election
2 are for the recall of the named board member, the member's position
3 on the board becomes vacant immediately. The board shall fill the
4 vacancy as provided by Section 209.00593.

5 Sec. 209.018. BOARD MEMBER VIOLATION OF CHAPTER OR
6 DEDICATORY INSTRUMENT. (a) An owner may bring an action against a
7 property owners' association for a violation of this chapter or a
8 provision of the association's dedicatory instruments by a board
9 member acting in the board member's official capacity. The owner
10 may file a petition against the association with the justice of the
11 peace of a justice precinct in which all or part of the property
12 that is governed by the association is located requesting relief
13 under this section.

14 (b) If the justice of the peace finds that the board member
15 violated this chapter or a dedicatory instrument while acting
16 individually or with other board members, the justice of the peace
17 may grant one or more of the following remedies:

18 (1) a judgment ordering the property owners'
19 association to immediately remove the board member from the board;

20 (2) a judgment against the property owners'
21 association for damages incurred by the owner resulting from the
22 violation; or

23 (3) a judgment authorizing the owner to deduct the
24 amounts awarded to the owner under Subdivision (2) or Subsection
25 (c) from any future regular or special assessments payable to the
26 property owners' association.

27 (c) The prevailing party in an action under this section is

1 entitled to a judgment for court costs and reasonable attorney's
2 fees incurred by the party in connection with the action.

3 (d) On or before the 10th business day before the date an
4 owner brings an action against a property owners' association under
5 this section, the owner must send written notice to the association
6 of the owner's intent to bring the action. The notice must:

7 (1) be sent certified mail, return receipt requested,
8 or delivered by the United States Postal Service with signature
9 confirmation service to the mailing address of the association or
10 authorized representative as reflected on the most current
11 management certificate filed under Section 209.004; and

12 (2) describe with sufficient detail the alleged
13 violation.

14 (e) For the purposes of this section, "business day" means a
15 day other than Saturday, Sunday, or a state or federal holiday.

16 SECTION 2. Section 209.018, Property Code, as added by this
17 Act, applies only to a violation that occurs on or after the
18 effective date of this Act. A violation that occurs before the
19 effective date of this Act is governed by the law as it existed
20 immediately before the effective date of this Act, and that law is
21 continued in effect for that purpose. For purposes of this section,
22 a violation occurred before the effective date of this Act if any
23 element of the violation occurred before that date.

24 SECTION 3. This Act takes effect September 1, 2025.