

By: Howard of Fort Bend

H. B. No. 3622

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the meetings of certain property owners' associations.

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

4 SECTION 1. Section 551.0015, Government Code, is amended by
5 amending Subsection (a) and adding Subsection (c) to read as
6 follows:

7 (a) A property owners' association is subject to this
8 chapter in the same manner as a governmental body:

9 (1) if:

10 (A) membership in the property owners'
11 association is mandatory for owners or for a defined class of owners
12 of private real property in a residential subdivision [defined
13 geographic area in a county with a population of 2.8 million or more
14 or in a county adjacent to a county with a population of 2.8 million
15 or more]; and

16 (B) the property owners' association has the
17 power to make mandatory special assessments [for capital
18 improvements] or mandatory regular assessments [+ and]

19 [+(C) the amount of the mandatory special or
20 ~~regular assessments is or has ever been based in whole or in part on~~
21 ~~the value at which the state or a local governmental body assesses~~
22 ~~the property for purposes of ad valorem taxation under Section 20,~~
23 ~~Article VIII, Texas Constitution~~]; or

24 (2) if the property owners' association:

H.B. No. 3622

6 (B) is a corporation that:

7 (i) is governed by a board of trustees who
8 may employ a general manager to execute the association's bylaws
9 and administer the business of the corporation;

10 (ii) does not require membership in the
11 corporation by the owners of the property within the defined area;
12 and

13 (iii) was incorporated before January 1,
14 2006.

15 (c) In this section, "property owners' association,"
16 "regular assessment," "residential subdivision," and "special
17 assessment" have the meanings assigned by Section 209.002, Property
18 Code.

19 SECTION 2. Section 551.0015, Government Code, as amended by
20 this Act, applies only to a property owners' association meeting
21 that is held on or after September 1, 2009. A property owners'
22 association meeting that is held before September 1, 2009, is
23 governed by the law in effect at the time the meeting was held, and
24 that law is continued in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2009.