

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1864
By: Ellis
Jurisprudence
4-9-97
Committee Report (Substituted)

DIGEST

Currently, property owners' associations located wholly or in part in Harris County have certain powers relating to restrictive covenants. Certain provisions, however, were inadvertently included in the Property Code, contrary to legislative intent. This bill will provide new regulations regarding the powers of certain property owners' associations.

PURPOSE

As proposed, C.S.S.B. 1864 provides new regulations regarding the powers of certain property owners' associations.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 204.008, Property Code, to authorize an extension, addition to, or modification of restrictions proposed by a property owners' association to be adopted at a meeting of the members represented by the property owners' association if written notice of the meeting stating the purpose of the meeting is delivered to each owner of the property in the subdivision not later than the 10th day before the date the meeting is scheduled.

SECTION 2. Amends Section 204.010(a), Property Code, to expand the list of actions that are authorized to be taken by a property owners' association, acting through its board of directors or trustees. Authorizes the property owners' association, unless otherwise provided by the restrictions or the association's articles of incorporation or bylaws, to take certain actions under Subsection (a)(9) of this section. Requires the notice provided by Subsection (a)(11)(B), except as otherwise provided by this subsection, to be mailed to the property owner within a certain time period before the date of the scheduled meeting. Authorizes notice to be mailed fewer than 30 days before the date of a scheduled board meeting for an alleged violation that necessitates immediate judicial action. Provides that this section does not limit a property owners' association's rights or powers as stated in the restrictions or the association's articles of incorporation or bylaws. Makes conforming and nonsubstantive changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 204.010, Property Code, to authorize additional actions the board of directors or trustees of a property owner's association may take. Adds Subsection (b) to list actions that may be taken under Subsection (a)(9). Adds Subsection (c) regarding the notice

required by Subsection (a)(11)(B). Provides that this section does not limit a property owners' association's rights or powers as stated in the restrictions or the association's articles of incorporation or bylaws.