

## **BILL ANALYSIS**

Senate Research Center

H.B. 1285  
By: Van de Putte (Wentworth)  
State Affairs  
5-18-97  
Committee Report (Amended)

### **DIGEST**

Currently, certain provisions of the Texas Property Code apply to condominiums. The Property Code does not specifically guarantee open meetings for owners of condominiums constructed prior to 1994. This bill updates Section 82.002(c), Property Code, to guarantee open meetings to owners of condominiums constructed before 1994.

### **PURPOSE**

As proposed, H.B. 1285 updates Section 82.002(c), Property Code, to guarantee open meetings to owners of condominiums constructed before 1994.

### **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 82.002(c), Property Code, to provide that this section and certain stated sections apply to condominiums in this state for which the declaration was recorded before January 1, 1994, including Section 82.108.

SECTION 2. Amends Section 82.108, Property Code, to delete a provision requiring notice of a meeting to be given in accordance with the bylaws. Authorizes a board meeting to be held if notice of the meeting has been given in accordance with Subsection (e), and the meeting does not involve voting on certain matters before the member has an opportunity to attend a board meeting to present the member's position, including any defense, on the issue. Authorizes the board to act by unanimous written consent of all the directors, without a meeting, if certain conditions apply, including a record of the board action is filed with the minutes of board meetings. Sets forth provisions regarding the notice of meeting for the association or the board. Sets forth provisions regarding fines for board members.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Amends Section 82.108, Property Code, to delete Subsection (f). Sets forth new Subsection (f), regarding board meetings.