

BILL ANALYSIS

Senate Research Center

H.B. 3407
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State Affairs
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Engrossed

DIGEST

Under the Texas Open Meetings Act (TOMA), every regular, special, or called meeting of a governmental body is required to be open to the public, with a few exceptions. Courts have construed that the intent of TOMA is to safeguard the public's interest in knowing the workings of its' governmental bodies. Some property owners' associations are similar to municipalities in that these associations assess ad valorem taxes and provide basic community services. Residents of property owners' associations do not have the right to attend the meetings of the governing boards of these associations or have the right to request and secure records or documents belonging to the association. H.B. 3407 provides that a property owners' association is subject to TOMA in the same manner as a governmental body, if certain conditions exist.

PURPOSE

As proposed, H.B. 3407 sets forth provisions regarding applying the open meetings and open records laws to 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 Chapter 551A, Government Code, by adding Section 551.0015, as follows:

Sec. 551.0015. CERTAIN PROPERTY OWNERS' ASSOCIATIONS SUBJECT TO LAW. Provides that a property owners' association (association) is subject to this chapter in the same manner as a governmental body, if certain condition exist. Provides that the governing body of the association, and members of the governing body or of a committee of the association are subject to this chapter in the same manner as a governing body of a governmental body, and members of the governing body or of a committee of the governmental body.

SECTION 2. Amends Chapter 552A, Government Code, by adding Section 552.0035, as follows:

Sec. 552.0035. CERTAIN PROPERTY OWNERS' ASSOCIATIONS SUBJECT TO LAW. Provides that an association is subject to this chapter in the same manner as a governmental body if certain conditions exist.

SECTION 3. Effective date: September 1, 1999.

Makes application of Section 551.0015, Government Code prospective.

SECTION 4. Emergency clause.