

BILL ANALYSIS

Senate Research Center
77R15056 PAM-D

S.J.R. 53
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Intergovernmental Relations
5/3/2001
As Filed

DIGEST AND PURPOSE

Recently, there have been some instances in which Texas homeowners associations have abused their powers, including their ability to foreclose on private property against members who fail to pay certain fees or citations. As proposed, S.J.R. 53 requires the submission to the voters of a constitutional amendment permitting an encumbrance to be fixed on homestead property for property owners' association fees, without permitting the forced sale of the homestead.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 50, Article XVI, Texas Constitution, by adding Subsection (t), to provide that an obligation to pay property owners' association fees for maintenance and ownership of common facilities and services is a debt for which an encumbrance may be fixed on homestead property. Provides that the homestead, however, is protected from forced sale for the payment of a debt described by this subsection.

SECTION 2. Requires that this constitutional amendment be put before the voters in an election on November 6, 2001. Requires the ballot be printed to permit a person to vote for or against the proposition and sets forth specific wording to be contained on the ballot.