

MEMORANDUM

TO: Kalyn Laney, Director of Governmental Relations, State Bar of Texas  
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FROM: Roland Love (chair of REPTL Real Estate Legislative review subcommittee)

CC: Eric Reis, REPTL Chair (eric.reis@tklaw.com)  
Reid Carroll Wilson, REPTL Chair-Elect (rwilson@wcglaw.com)  
J. David Dickson, REPTL Immediate Past-Chair (dickson@thetexasfirm.com)  
Jeffrey C. Hopper, REPTL Treasurer (chopper@hoppermikeska.com)

DATE:

RE: Submission of 2020 REPTL Real Estate Legislative Proposal Regarding Common Interest Communities under the Texas Business Organization Code.

Item I: Narrative – Section 8.01.06(C)(1), SBOT Policy Manual

The Real Estate, Probate, and Trust Law Section (“REPTL”), proposes to update the organization, meeting, and voting provisions for common interest communities consistent with the Texas Business Organization Code. A summary of the bill can be found in the attached Bill Analysis.

Item II: Similar Legislation – Section 8.01.06(C)(2), SBOT Policy Manual

REPTL is unaware of any similar legislation that is being proposed.

Item III: Section and Committee Verification - Section 8.01.06(C)(3), SBOT Policy Manual

The legislative proposal has been submitted to all sections and committees of the State Bar. A copy of the transmittal emails circulating the proposals is attached. No comments have been received to date. Any comments received following this submission will be forwarded with the appropriate response.

Item IV: Statement of Previous Submission - Section 8.01.06(C)(4), SBOT Policy Manual

None of these proposals have been introduced in the current form during prior legislative sessions.

Item V: Statement of Known Position by Section or Committee - Section 8.01.06(C)(5), SBOT Policy Manual

REPTL does not believe that any of the proposals have been previously considered by any Section or Committee of the State Bar.

## **BILL ANALYSIS**

H.B.

By:

Business & Industry

Committee Report

### **BACKGROUND AND PURPOSE**

The Business Organizations Code Sections 6.002 and 22.002 provide for and allow electronic voting by association members and directors. Texas Property Code Chapters 82, Uniform Condominium Act and Chapter 209, Texas Residential Property Owners Protection Act need to be updated to specifically incorporate and reference these provisions and this ability to electronically vote.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 1, 2, and 3 simply identify the Condominium Owners' Association as subject to the Business Organizations Code. The Association holds meetings, elects officers, and votes on issues. These votes may be made electronically.

Section 4 and 5 accomplish the same non-substantive purpose for residential property owner associations.

### **EFFECTIVE DATE**