

SUBJECT: Allowing certain persons to serve on property owners' association boards

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 6 ayes — Oliveira, Simmons, Collier, Rinaldi, Romero, Villalba

1 nay — Fletcher

WITNESSES: For — (*Registered, but did not testify*: Steven Garza, Texas Association of Realtors; Julián Muñoz Villarreal, Texas Neighborhoods Together; David M. Smith, Texas Neighborhoods Together; Gwen Gates; David Kahne)

Against — None

On — (*Registered, but did not testify*: Connie Heyer, Texas Community Association Advocates)

BACKGROUND: Under Property Code, ch. 209, known as the Texas Residential Property Owners Protection Act, “board” means the governing body of a property owners' association. In 2011, the 82nd Legislature enacted SB 472 by West, which made a person who had been verifiably convicted of a felony or crime involving moral turpitude ineligible to serve on a board.

DIGEST: HB 1072 would allow a person who had been convicted of a felony or crime involving moral turpitude to serve as a board member of a property owners' association if the conviction occurred more than 20 years before the board received evidence of it.

The bill would take effect September 1, 2015.

SUPPORTERS SAY: HB 1072 would allow property owners who had been convicted of a felony or crime involving moral turpitude to participate in governing their neighborhoods if the conviction was more than 20 years old. A permanent bar against property owners who were convicted of a felony or crime involving moral turpitude is excessive — 20 years is plenty of time for people to learn from their mistakes.

People who were convicted of a felonies or crimes involving moral turpitude more than 20 years earlier and who were interested in serving on a property owners' association board should have the opportunity to run for a position and let their neighbors be the judge of their character and trustworthiness. Such an individual would be one of several members serving on the board, so he or she would not have an undue amount of influence over other people's homes.

**OPPONENTS  
SAY:**

HB 1072 would allow convicted felons to serve on property owners' association boards, giving them a certain degree of control over other people's homes. Once a person is convicted of a felony, that person has certain privileges that will not be returned because of that person's convictions. Serving on the board of a property owners' association should remain one of those privileges.