

TEXAS HOUSE OF REPRESENTATIVES

CAPITOL OFFICE: E2.814
P.O. Box 2910
AUSTIN, TX 78768-2910
(512) 463-0734
FAX: (512) 463-0401



DISTRICT OFFICE:
17225 EL CAMINO REAL, SUITE 415
HOUSTON, TEXAS 77058
(281) 488-8900
FAX: (512) 463-0401

DENNIS PAUL DISTRICT 129

March 14, 2019

Board of Trustees
Clear Lake City Community Association
16511 Diana Ln.
Houston, TX 77062

Dear Trustees:

I understand the Board of Trustees of the Clear Lake City Community Association is interested in pursuing the creation of a state law that would alter the method by which the association may raise its assessments.

It was initially explained to me that a 1960s-era state law is preventing the association from raising its assessments. In fact, there is no such law. The community's dedicatory instruments, which date to the 1960s and form a binding contract between the community association and its property owners, provide the only guidelines as far as assessments are concerned.

Because there is already a process in place allowing you to set your assessments, a state law interfering with the community's dedicatory instruments would likely be deemed unconstitutional. Article I, § 16, Texas Constitution strictly prohibits laws "impairing the obligation of contracts."

I am aware of a 1997 law which allowed property owners to vote on whether or not to voluntarily extend the provisions of the Clear Lake City Community Association's dedicatory instruments, which were set to expire, and which provided no guidance on how they might be extended. As this law made no material change to the obligations contained within the dedicatory



DISTRICT129.PAUL@HOUSE.TEXAS.GOV

instruments, i.e. the law did not significantly alter the *intent* of the dedicatory instruments, there was likely no inherent constitutional conflict.

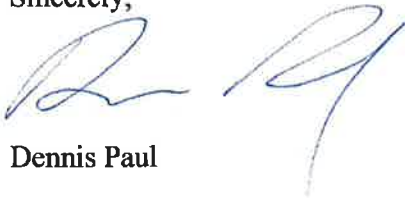
In fact, to further clarify that this law would not materially change the obligations of the dedicatory instruments, the ballot language put to the voters specifically mentioned that the community association's assessments would not be raised as a result of an affirmative vote.

To the best of my knowledge, the community association has never put the question of whether or not to increase assessments to the property owners using its existing authority. I believe doing so would allow the community association to gauge whether there is any interest from the residents in raising the assessments.

Finally, I am aware of two previously failed attempts to pass this legislation at the statehouse. It is my opinion that such legislation would not fare better in 2019.

It is for these reasons – and particularly the constitutional concerns – I am respectfully declining to file this legislation on behalf of the Clear Lake City Community Association. I am happy to work with the community association to find alternative resolutions to this matter, such as the possibility of applying for grant funding. Please do not hesitate to reach out to me if there are other ways I may be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Paul", written in a cursive style.

Dennis Paul