

BILL ANALYSIS

H.B. 1129
By: Farrar
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Since the City of Houston is not zoned, it has to rely heavily on deed restrictions to stop the encroachment of noncompatible land uses and inappropriate development. Currently, the City of Houston’s Legal Department, Neighborhood Protection Division, can enforce three different types of deed restrictions: residential use, setbacks and the lot size and number of structures on a lot. Recently, when petitioning the city to enforce deed restrictions, many citizens have been told that the deed restrictions are too vague and ambiguous to be enforceable. This bill attempts to ameliorate this problem by more explicitly stating what types of deed restrictions the city can enforce.

H.B. 1129 pertains only to the City of Houston and is intended to help ensure that communities can implement and enforce appropriate deed restrictions to ensure that older and lower income residential areas have the tools they need to help revitalize their communities.

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. Amends Section 212.132, Local Government Code, as follows:

Changes the definition of “restriction” from “limitation” to “land use regulations” that:

Affects the “character of the use” of real property, including “residential and rental property.”

Regulates or restricts the type of activities that may take place on the property, including commercial activities, keeping of animals, use of fires, nuisance activities, vehicle storage, parking.

Regulates architectural features of a structure, construction of fences, landscaping, garbage disposal, or noise levels.

Specifies the type of maintenance that must be performed on a lot or structure, including a yard or fence.

SECTION 2. Effective date.

EFFECTIVE DATE

September 1, 2003.

