

BILL ANALYSIS

H.B. 1902
By: Farrar
Urban Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Chapter 212 of the Local Government Code is entitled *Municipal Regulation of Subdivisions and Property Development*. House Bill 1902 would amend Subchapter 212.133 entitled *Suit to Enforce Restrictions*.

Currently a municipality may sue in court to enforce city ordinances or deed restrictions regarding the storing of a commercial vehicle, such as a cement mixer or dump truck, on residential property, as well as the sale of motor vehicles from residential property.

When a case of this nature is brought to trial a common defense is to claim that the activity is incidental to residential use of the property, making it difficult for the municipality to enforce their city ordinances or deed restrictions.

H.B. 1902 would amend Section 212.133, Local Government Code, with language that would disallow a defense claiming that the activity is incidental to residential use of the property in the case of storage of a commercial vehicle, such as a cement mixer or dump truck, or offering for sale more than two motor vehicles in a 12-month period.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 212.133, Local Government Code, as redesignated by Chapter 1420 Acts of the 77th Legislature, Regular Session 2001, to eliminate a defense of incidental residential use when a municipality sues in court to enforce residential land use restrictions pertaining to the sale or repair of more than two motor vehicles in a 12-month period on residential property or the storage of certain commercial vehicles on residential property.

SECTION 2. Effective date / prospective application.

EFFECTIVE DATE: September 1, 2003.