

By: Farrar

H.B. No. 1902

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a suit filed by a municipality to enforce residential
3 land use restrictions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 212.133, Local Government Code, as
6 redesignated by Chapter 1420, Acts of the 77th Legislature, Regular
7 Session, 2001, is amended to read as follows:

8 Sec. 212.133. SUIT TO ENFORCE RESTRICTIONS. (a) The
9 municipality may sue in any court of competent jurisdiction to
10 enjoin or abate a violation of a restriction contained or
11 incorporated by reference in a properly recorded plan, plat, or
12 other instrument that affects a subdivision located inside the
13 boundaries of the municipality.

14 (b) In a suit filed under this section alleging that any of
15 the following activities violates a restriction limiting property
16 to residential use, it is not a defense that the activity is
17 incidental to the residential use of the property:

18 (1) storing a tow truck, crane, moving van or truck,
19 dump truck, cement mixer, earth-moving device, or trailer longer
20 than 20 feet; or

21 (2) offering for sale more than two motor vehicles in a
22 12-month period.

23 SECTION 2. This Act takes effect September 1, 2003, and
24 applies only to a suit filed on or after that date. A suit filed

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1 before the effective date of this Act is governed by the law in
2 effect immediately before the effective date of this Act, and the
3 former law is continued in effect for that purpose.

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1 COMMITTEE AMENDMENT NO. 1

2 Amend H.B. 1902 on page 1, line 21, between "(2)" and
3 "offering", by inserting "repairing or".

4 78R8660 ATP-D

Talton