

By: Farrar

H.B. No. 1902

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

SECTION 2. This Act takes effect September 1, 2003, and 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.