

## BILL ANALYSIS

S.B. 200  
By: Gallegos  
Land & Resource Management  
Committee Report (Unamended)

### BACKGROUND AND PURPOSE

Under current law, counties do not have the statutory authority to regulate gated communities in unincorporated areas.

The purpose of S.B. 200 is to grant certain counties the authority to regulate fire protection in multi-unit housing projects located outside municipal boundaries. This bill permits fire protection authorities to access gated communities in the event of an emergency.

### RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

### ANALYSIS

SECTION 1. *Amends the heading to Subchapter E, Chapter 352, Local Government Code, as follows:*

Adds Gated Communities to Multi-Unit Housing Projects in the heading of Subchapter E.

SECTION 2. *Amends Section 352.111, Local Government Code, as follows:*

Adds Gated Community to Housing Project in the language of the heading pertaining to the applicability of the Subchapter. Provides that this chapter applies to a gated community or multi-unit housing project that controls access to the project by a pedestrian or vehicular gate, rather than a multi-unit housing project which is located outside municipal boundaries in an area not already subject to municipal regulations regarding vehicular or pedestrian gates.

SECTION 3. *Amends Section 352.112, Local Government Code, as follows:*

Defines "gated community."

Makes a nonsubstantive change.

SECTION 4. *Amends Section 352.113, Local Government Code, as follows:*

Adds Gated Community to the language of heading pertaining to a county's authority to regulate vehicular or pedestrian gates. Authorizes a county to require the owner or the owners association of a gated community or a multi-unit housing project to comply with this subchapter.

SECTION 5. *Amends Sections 352.114(a) and (b), Local Government Code, as follows:*

Requires each vehicular gate to a gated community or multi-unit housing project to have a lockbox within sight of the gate and in close proximity outside the gate. Sets forth the requirements regarding the contents of a lockbox.

Deletes existing text limiting the provisions of this subsection to those multi-unit housing projects which have one or more pedestrian gates and no vehicular gate.

SECTION 6. *Amends Sections 352.115(a) and (c), Local Government Code, as follows:*

Sets forth requirements regarding vehicular gates in a gated community or multi-unit project that has one or more vehicular gates.

Requires a pedestrian gate in a gated community or multi-unit housing project to be located so as to provide firefighters, law enforcement officers, and other emergency personnel reasonable access to each building.

SECTION 7. *Amends Section 352.117(a), Local Government Code, as follows:*

Authorizes a county to require the owner or the owners association of a gated community or multi-unit housing project to obtain a permit, as specified, to ensure compliance with this subchapter.

SECTION 8. *Amends Section 352.119(a), Local Government Code, as follows:*

Prohibits a county from imposing specific standards for new gated communities or new multi-unit housing projects contained in the municipal ordinances of certain municipalities.

SECTION 9. Effective Date.

**EFFECTIVE DATE**

Effective date is September 1, 2005, or immediately if approved by two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution.