

By: Smith of Harris

H.B. No. 2044

A BILL TO BE ENTITLED

AN ACT

relating to county authority to regulate vehicular or pedestrian gates at certain gated communities and multi-unit housing projects.

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

SECTION 1. The heading to Subchapter E, Chapter 352, Local Government Code, is amended to read as follows:

SUBCHAPTER E. GATED MULTI-UNIT HOUSING PROJECTS

AND GATED COMMUNITIES

SECTION 2. Sections 352.111, 352.112, and 352.113, Local Government Code, are amended to read as follows:

Sec. 352.111. HOUSING PROJECT OR GATED COMMUNITY SUBJECT TO SUBCHAPTER. This subchapter applies only to a multi-unit housing project or gated community located outside municipal boundaries in an area not already subject to municipal regulations regarding vehicular or pedestrian gates.

Sec. 352.112. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Gated community" means a subdivision or housing development with two or more dwellings not under common ownership and with access to the community controlled through the use of a vehicular or pedestrian gate.

(2) "Multi-unit [~~,"multi-unit~~] housing project" means an apartment, condominium, or townhome project with [~~that contains~~] two or more dwelling units and with access to the

1 multi-unit housing project controlled through the use of a
2 vehicular or pedestrian gate.

3 Sec. 352.113. COUNTY AUTHORITY TO REGULATE VEHICULAR OR
4 PEDESTRIAN GATES TO MULTI-UNIT HOUSING PROJECTS AND GATED
5 COMMUNITIES. To assure reasonable access for fire-fighting
6 vehicles and equipment, emergency medical services vehicles, and
7 law enforcement officers, a county may require the owner or the
8 owners association of a multi-unit housing project or a gated
9 community to comply with this subchapter.

10 SECTION 3. Sections 352.114(a) and (b), Local Government
11 Code, are amended to read as follows:

12 (a) Each vehicular gate to a ~~[the]~~ multi-unit housing
13 project or gated community must have a lockbox within sight of the
14 gate and in close proximity outside the gate. The lockbox at all
15 times must contain a key, card, or code to open the gate or a key
16 switch or cable mechanism that overrides the key, card, or code that
17 normally opens the gate and allows the gate to be opened manually.

18 (b) If there are one or more pedestrian gates to a ~~[the]~~
19 multi-unit housing project or gated community ~~[and no vehicular~~
20 ~~gate]~~, at least one pedestrian gate must have a lockbox within sight
21 of the gate and in close proximity outside the gate. The lockbox at
22 all times must contain a key, card, code, key switch, or cable
23 mechanism to open the gate.

24 SECTION 4. Sections 352.115(a) and (c), Local Government
25 Code, are amended to read as follows:

26 (a) In a multi-unit housing project or gated community that
27 has one or more vehicular gates:

1 (1) at least one vehicular gate must be wide enough for
2 fire-fighting vehicles, fire-fighting equipment, emergency medical
3 services vehicles, or law enforcement vehicles to enter; and

4 (2) at least one driveway apron or entrance from the
5 public right-of-way must be free of permanent obstacles that might
6 impede entry by a vehicle or equipment listed in Subdivision (1).

7 (c) A pedestrian gate in a multi-unit housing project or
8 gated community must be located so as to provide firefighters, law
9 enforcement officers, and other emergency personnel reasonable
10 access to each building.

11 SECTION 5. Section 352.117(a), Local Government Code, is
12 amended to read as follows:

13 (a) A county may require the owner or the owners association
14 of a multi-unit housing project or gated community to obtain a
15 permit from the county fire marshal or other authority with
16 fire-fighting jurisdiction in the county to ensure compliance with
17 this subchapter.

18 SECTION 6. Section 352.119(a), Local Government Code, is
19 amended to read as follows:

20 (a) A county may not impose under this subchapter specific
21 standards relating to vehicular gate widths, obstacle-free
22 driveway aprons or entrances, pedestrian gate locations, or
23 building numbers that exceed the requirements for new multi-unit
24 housing projects or gated communities contained in the municipal
25 ordinances of:

26 (1) the municipality within whose extraterritorial
27 jurisdiction the multi-unit housing project or gated community is

1 located; or

2 (2) the municipality nearest, on a straight line, to
3 the boundary of the multi-unit housing project or gated community,
4 if the project or community is not within the extraterritorial
5 jurisdiction of a municipality.

6 SECTION 7. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2005.