

By: Lindsay, Hinojosa

S.B. No. 534

A BILL TO BE ENTITLED

AN ACT

relating to the authority of county attorneys in certain counties to enforce certain provisions relating to real property.

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

SECTION 1. The heading to Chapter 203, Property Code, is amended to read as follows:

CHAPTER 203. ENFORCEMENT OF PROVISIONS RELATING TO LAND USE RESTRICTIONS OR PROPERTY OWNERS' ASSOCIATIONS IN CERTAIN COUNTIES

SECTION 2. Section 203.003, Property Code, is amended to read as follows:

Sec. 203.003. ENFORCEMENT AUTHORITY OF COUNTY ATTORNEY [~~AUTHORIZED TO ENFORCE RESTRICTIONS~~]. (a) The county attorney may:

(1) sue in a court of competent jurisdiction to enjoin or abate a violation of this title by a property owners' association or an owner or a violation [~~violations~~] of a restriction contained or incorporated by reference in a properly recorded plan, plat, replat, or other instrument affecting a real property subdivision located in the county, regardless of the date on which the instrument was recorded; and

(2) recover from a property owners' association or an owner that violates this title a reasonable penalty as determined by the court.

(b) The county attorney may not enforce a restriction

1 relating to race or any other restriction that violates the state or
2 federal constitution.

3 SECTION 3. Section 203.003, Property Code, as amended by
4 this Act, applies only to a violation of Title 11, Property Code,
5 that occurs on or after the effective date of this Act. A violation
6 that occurs before the effective date of this Act is governed by the
7 law in effect immediately before that date, and that law is
8 continued in effect for that purpose.

9 SECTION 4. This Act takes effect September 1, 2005.