

1-1 By: Lindsay, Hinojosa S.B. No. 534  
1-2 (In the Senate - Filed February 16, 2005; February 28, 2005,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 29, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 29, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 534 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of local public officials in certain  
1-11 counties to enforce certain provisions relating to real property.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Chapter 203, Property Code, is  
1-14 amended to read as follows:

1-15 CHAPTER 203. ENFORCEMENT OF PROVISIONS RELATING TO LAND USE  
1-16 RESTRICTIONS OR PROPERTY OWNERS' ASSOCIATIONS IN CERTAIN COUNTIES

1-17 SECTION 2. Section 203.003, Property Code, is amended to  
1-18 read as follows:

1-19 Sec. 203.003. ENFORCEMENT AUTHORITY OF CERTAIN LOCAL PUBLIC  
1-20 OFFICIALS [~~COUNTY ATTORNEY AUTHORIZED TO ENFORCE RESTRICTIONS~~].

1-21 (a) The county attorney or the district or county official  
1-22 authorized to initiate civil enforcement actions in the county may:

1-23 (1) sue in a court of competent jurisdiction to enjoin  
1-24 or abate a violation of this title by a property owners' association  
1-25 or a violation [~~violations~~] of a restriction contained or  
1-26 incorporated by reference in a properly recorded plan, plat,  
1-27 replat, or other instrument affecting a real property subdivision  
1-28 located in the county, regardless of the date on which the  
1-29 instrument was recorded; and

1-30 (2) recover from a property owners' association that  
1-31 violates this title a reasonable penalty as determined by the  
1-32 court.

1-33 (b) The county attorney or the district or county official  
1-34 authorized to initiate civil enforcement actions in the county may  
1-35 not enforce a restriction relating to race or any other restriction  
1-36 that violates the state or federal constitution.

1-37 SECTION 3. Section 203.003, Property Code, as amended by  
1-38 this Act, applies only to a violation of Title 11, Property Code,  
1-39 that occurs on or after the effective date of this Act. A violation  
1-40 that occurs before the effective date of this Act is governed by the  
1-41 law in effect immediately before that date, and that law is  
1-42 continued in effect for that purpose.

1-43 SECTION 4. This Act takes effect September 1, 2005.

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