

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 21, 2005

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB534 by Lindsay (Relating to the authority of county attorneys in certain counties to enforce certain provisions relating to real property.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would authorize the county attorney in a county with a population of more than 200,000 to sue in a court of competent jurisdiction to enjoin or abate a violation of Title 11 (Restrictive Covenants) of the Property Code by a property owners' association or an owner. The bill would also authorize the county attorney to sue to recover a reasonable penalty, as determined by the court, from a property owners' association or an owner that commits a violation. The bill would take effect September 1, 2005 and would apply only to a violation that occurs on or after that date.

Under current statute, the applicable county attorneys may sue to enjoin or abate violations of a restriction related to a real property subdivision located in the county, but does not specify violations by property owners' associations or owners. Current statute does not authorize a county attorney to recover property from a property owners' association or owner.

Local Government Impact

It is estimated that costs associated with a suit that may be filed by an applicable county attorney would be absorbed using existing resources. If a court were to award the recovery of property to the county, that would provide a positive fiscal impact to the county to offset enforcement and prosecution costs.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DLBa