

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 28, 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 local public officials in certain counties to enforce certain provisions relating to real property.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would authorize the county attorney, district attorney, or authorized county official 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, district attorney, or authorized county official 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. Current statute also does not authorize these actions by the district attorney or county official authorized to initiate civil enforcement actions in the county.

**Local Government Impact**

It is estimated that costs associated with a suit that may be filed 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