

BILL ANALYSIS

H.B. 2402
By: Truitt
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law is unclear whether property owners' associations have the authority to require one or more of its members to grant easements on their property against their will. House Bill 2402 would clarify the statute by prohibiting a property owners' association to force one of its members to grant an easement on their property against their will.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2402 amends Chapter 209, Property Code by adding Section 209.012 which prohibits a property owners' association from amending a dedicatory instrument to grant the property owners' association an easement through or over an owner's lot without consent of the owner. A property owners' association is not prohibited from adopting or enforcing a restriction in a dedicatory instrument that allows the property owners' association to access an owner's lot to remedy a violation of the dedicatory instrument or take any other enforcement action related to a violation of the dedicatory instrument.

H.B. 2402 provides that Section 209.012, as added by this Act, applies only to an easement granted by a dedicatory instrument on or after the effective date of this Act. An easement granted by a dedicatory instrument before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2007.