

By: Bolton

H.B. No. 3794

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a family home within a property
3 owners association.

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

5 SECTION 1. Section 202.003(b), Property Code, is amended, and
6 Sections (c)-(f) added, to read as follows.

7 (b) In this subsection and in subsections (c)-(f), "family
8 home" is a residential home that meets the definition of and
9 requirements applicable to a family home under Texas Human
10 Resources Code, Section 123.004 ~~the Community Homes for Disabled~~
11 ~~Persons Location Act, (Article 1011n, Vernon's Texas Civil~~
12 ~~Statutes)~~. Subject to subsection (c), A a dedicatory instrument or
13 restrictive covenant may not be construed to prevent the use of a
14 property as a family home. Any restrictive covenant that applies to
15 a property used as a family home shall be liberally construed to
16 give effect to its purposes and intent except to the extent that the
17 construction would restrict the use as a family home.

18 (c) Any family home that is not protected by the Federal
19 Fair Housing Act (24 CFR 100 et seq), must apply to and receive the
20 approval of the property owners association, as that term is
21 defined by Texas Property Code, Section 209.002 prior to the
22 property being utilized as a family home.

23 (d) The applicant seeking the establishment of a family home
24 as described under Texas Human Resources Code, Section 123.004

1 shall notify the association by receipted delivery to the
2 association's board of directors, property manager or attorney at
3 such time as the contract for property located within the
4 jurisdiction of the homeowner's association is signed by the
5 applicant. Such notification shall clearly state the applicant's
6 intentions, and fully disclose its purpose, including, but not
7 limited to, a statement of all licenses required for such a family
8 home, a copy of all Federal income tax filings, and the name,
9 mailing address and phone number for all agencies that have
10 regulatory authority over the proposed family home.

11 (e) Any correspondence from the applicant to the property
12 owners association via the property owners association's board of
13 directors, property manager, or attorney, shall be made available
14 to the members of the property owners association, with the
15 exception of attorney-client privileged communication.

16 (f) All residents and occupants of a family home must comply
17 with all dedicatory instruments of the property owners association.

18 (g) The current homeowner shall provide all potential
19 buyers with a copy of the homeowner's association rules and bylaws
20 when the home is put on the market for sale.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.