

BILL ANALYSIS

H.B. 257
By: Berman
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Residential real estate subdivisions located in the outlying area of Smith County are growing outside of the county's extraterritorial jurisdiction.

H.B. 257 provides that a residential real estate subdivision as defined need not be located in or within the extraterritorial jurisdiction of a city, town, or village and increases the population of a county that such a subdivision may be in or adjacent to.

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

H.B. 257 amends the Property Code to increase from 175,000 to 250,000, in a county with a population of more than 170,000, the maximum population limit under which provisions relating to the extension or modification of restrictive covenants in certain residential real estate subdivisions located in the county are applicable. The bill specifies that such restrictive covenant provisions also apply to a residential real estate subdivision in certain counties adjacent to such a county.

H.B. 257 redefines, for purposes of extending or modifying restrictive covenants in certain residential real estate subdivisions, "residential real estate subdivision" and "subdivision," as defined in certain other provisions of the Property Code, to create an exception that the subdivision need not be located in a city, town, or village or within the extraterritorial jurisdiction of a city, town, or village.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.