

By: Menendez

H.B. No. 44

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.0075 to read as follows:

Sec. 202.0075. REGULATION OF LAND USE: RESIDENTIAL PURPOSE.

(a) In this section, "residential purpose" with respect to the use of a lot means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose. The term includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the provisions of a dedicatory instrument, the parking or storage of a recreational vehicle.

(b) A property owners' association may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts the owner of a lot on which a residence is located from using for residential purposes another lot owned by the property owner and adjacent to the lot on which the residence is located, regardless of whether a residence is located on that other lot.

(c) A provision in a dedicatory instrument that violates this section is void.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.