

BILL ANALYSIS

Senate Research Center

S.B. 1853
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Intergovernmental Relations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain neighborhood associations in Llano County that are in a municipality's extraterritorial jurisdictions are unable to change their deed restrictions because the restrictions do not contain a procedure allowing for a change or may not be amended without the unanimous consent of the property owners. By amending Chapter 211 (Amendment and Enforcement of Restrictions in Certain Subdivisions) of the Property Code, they could develop a procedure to amend their own deed restrictions.

S.B. 1853 redefines residential real estate subdivision to include neighborhoods in Llano County that are also in a municipality's extraterritorial jurisdiction. This change will allow the associations to govern under democratic principles of self-government and to make improvements to their restrictions needed because of changing circumstances.

S.B. 1853 amends current law relating to the amendment of restrictions affecting real property in certain subdivisions and the authority of the Llano County Municipal Utility District No. 1 to issue bonds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 211.001(4), Property Code, to redefine "residential real estate subdivision."

SECTION 2. Amends Section 211.002(a), Property Code, as follows:

(a) Provides that this chapter applies only to a residential real estate subdivision or any unit or parcel of a subdivision:

(1)-(2) Makes nonsubstantive changes; or

(3) all of which is located within the extraterritorial jurisdiction of a municipality located in a county that borders Lake Buchanan and has a population of at least 18,500 and less than 19,500.

SECTION 3. Amend Section 4(b), Chapter 129, Acts of the 70th Legislature, Regular Session, 1987, to prohibit bonds from being issued by the district under this Act except on approval of not less than a majority of the qualified voters of the district voting at an election called and held for that purpose, rather than not less than two-thirds of the qualified voters of the district voting at an election called and held for that purpose.

SECTION 4. Provides that the change in law made by this Act to Section 4(b), Chapter 129, Acts of the 70th Legislature, Regular Session, 1987, applies to an election to authorize the issuance of bonds held on or after the effective date of this Act. Provides that an election to authorize the issuance of bonds held before the effective date of this Act is governed by the law

in effect at the time the election was held, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2013.