

1-1 By: Menendez (Senate Sponsor - Deuell) H.B. No. 35
1-2 (In the Senate - Received from the House April 15, 2013;
1-3 April 17, 2013, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 10, 2013, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 10, 2013, sent to
1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hinojosa</u>	X		
1-10	<u>Nichols</u>	X		
1-11	<u>Garcia</u>	X		
1-12	<u>Paxton</u>	X		
1-13	<u>Taylor</u>	X		

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the authority of a property owners' association to
1-17 regulate the use of certain lots for residential purposes.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Chapter 209, Property Code, is amended by adding
1-20 Section 209.015 to read as follows:

1-21 Sec. 209.015. REGULATION OF LAND USE: RESIDENTIAL PURPOSE.

1-22 (a) In this section:

1-23 (1) "Adjacent lot" means:

1-24 (A) a lot that is contiguous to another lot that
1-25 fronts on the same street;

1-26 (B) with respect to a corner lot, a lot that is
1-27 contiguous to the corner lot by either a side property line or a
1-28 back property line; or

1-29 (C) if permitted by the dedicatory instrument,
1-30 any lot that is contiguous to another lot at the back property line.

1-31 (2) "Residential purpose" with respect to the use of a
1-32 lot:

1-33 (A) means the location on the lot of any
1-34 building, structure, or other improvement customarily appurtenant
1-35 to a residence, as opposed to use for a business or commercial
1-36 purpose; and

1-37 (B) includes the location on the lot of a garage,
1-38 sidewalk, driveway, parking area, children's swing or playscape,
1-39 fence, septic system, swimming pool, utility line, or water well
1-40 and, if otherwise specifically permitted by the dedicatory
1-41 instrument, the parking or storage of a recreational vehicle.

1-42 (b) Except as provided by this section, a property owners'
1-43 association may not adopt or enforce a provision in a dedicatory
1-44 instrument that prohibits or restricts the owner of a lot on which a
1-45 residence is located from using for residential purposes an
1-46 adjacent lot owned by the property owner.

1-47 (c) An owner must obtain the approval of the property
1-48 owners' association or, if applicable, an architectural committee
1-49 established by the association or the association's dedicatory
1-50 instruments, based on criteria prescribed by the dedicatory
1-51 instruments specific to the use of a lot for residential purposes,
1-52 including reasonable restrictions regarding size, location,
1-53 shielding, and aesthetics of the residential purpose, before the
1-54 owner begins the construction, placement, or erection of a
1-55 building, structure, or other improvement for the residential
1-56 purpose on an adjacent lot.

1-57 (d) An owner who elects to use an adjacent lot for
1-58 residential purposes under this section shall, on the sale or
1-59 transfer of the lot containing the residence:

1-60 (1) include the adjacent lot in the sales agreement
1-61 and transfer the lot to the new owner under the same dedicatory

2-1 conditions; or
2-2 (2) restore the adjacent lot to the original condition
2-3 before the addition of the improvements allowed under this section
2-4 to the extent that the lot would again be suitable for the
2-5 construction of a separate residence as originally platted and
2-6 provided for in the conveyance to the owner.

2-7 (e) An owner may sell the adjacent lot separately only for
2-8 the purpose of the construction of a new residence that complies
2-9 with existing requirements in the dedicatory instrument unless the
2-10 lot has been restored as described by Subsection (d)(2).

2-11 (f) A provision in a dedicatory instrument that violates
2-12 this section is void.

2-13 SECTION 2. This Act takes effect immediately if it receives
2-14 a vote of two-thirds of all the members elected to each house, as
2-15 provided by Section 39, Article III, Texas Constitution. If this
2-16 Act does not receive the vote necessary for immediate effect, this
2-17 Act takes effect September 1, 2013.

2-18 * * * * *