

By: Workman

H.B. No. 1858

A BILL TO BE ENTITLED

AN ACT

relating to a property owner's right to remove a tree or vegetation that the owner believes poses a fire risk.

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

SECTION 1. Section 240.909(b), Local Government Code, is amended to read as follows:

(b) Except as provided by Section 250.007, the ~~[The]~~ commissioners court of a county subject to this section may prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county.

SECTION 2. The heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS LOCAL GOVERNMENT REGULATORY AUTHORITY
~~[OF MUNICIPALITIES AND COUNTIES]~~

SECTION 3. Chapter 250, Local Government Code, is amended by adding Section 250.007 to read as follows:

Sec. 250.007. REMOVAL OF TREE OR VEGETATION THAT POSES FIRE RISK. A municipality, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property that the owner believes poses a risk of fire to a structure on the property or on adjacent property, including a regulation that requires the owner to file an affidavit or notice before removing the tree or vegetation.

1 SECTION 4. Chapter 202, Property Code, is amended by adding
2 Section 202.013 to read as follows:

3 Sec. 202.013. REGULATION OF CERTAIN TREE OR VEGETATION
4 REMOVAL. A property owners' association may not include or enforce
5 a provision in a dedicatory instrument that restricts the ability
6 of a property owner to remove a tree or vegetation on the owner's
7 property that the owner believes poses a risk of fire to a structure
8 on the property or on adjacent property, including a provision that
9 requires the owner to file an affidavit or notice before removing
10 the tree or vegetation.

11 SECTION 5. Section 202.013, Property Code, as added by this
12 Act, applies to a dedicatory instrument without regard to whether
13 the dedicatory instrument takes effect or is renewed before, on, or
14 after the effective date of this Act.

15 SECTION 6. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.