

BILL ANALYSIS

Senate Research Center
84R31202 LEH-F

C.S.H.B. 2489
By: Leach (Eltife)
Business & Commerce
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that current law does not adequately provide safeguards against the interference of a property owners' association with regard to the leasing or rental of a homeowner's private property within that association. The parties suggest that the lack of regulation in this area could allow property owners' associations to take actions that interfere with and violate an individual's private property rights. C.S.H.B. 2489 seeks to address this issue by limiting the ability of a property owners' association to enforce certain provisions in the leasing or rental of a property owner's real property.

C.S.H.B. 2489 amends current law relating to regulation by a property owners' association of residential leases or rental agreements.

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 Chapter 209, Property Code, by adding Section 209.016, as follows:

Sec. 209.016. REGULATION OF RESIDENTIAL LEASES OR RENTAL AGREEMENTS. (a) Defines "sensitive personal information."

(b) Prohibits a property owners' association from adopting or enforcing a provision in a dedicatory instrument that:

(1) requires a lease or rental applicant or a tenant to be submitted to and approved to for tenancy by the property owners' association; or

(2) requires the following information to be submitted to a property owners' association regarding a lease or rental applicant or current tenant:

(A) a consumer or credit report; or

(B) a lease or rental application submitted by the applicant, tenant, or that person's agent to the property owner or property owner's agent when applying for tenancy.

(c) Authorizes any sensitive personal information, if a copy of the lease or rental agreement is required by the property owners' association, to be redacted or otherwise made unreadable or indecipherable.

(d) Provides that, except as provided by Subsection (b), nothing in this section shall be construed to prohibit the adoption or enforcement of a provision in a dedicatory instrument establishing a restriction relating to occupancy or leasing.

SECTION 2. Effective date: upon passage or September 1, 2015.