

By: Isaac

H.B. No. 748

Substitute the following for H.B. No. 748:

By: Simmons

C.S.H.B. No. 748

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of liquid propane gas tanks on residential property.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.019 to read as follows:

Sec. 202.019. REGULATION OF LIQUID PROPANE GAS TANKS. (a)

A property owners' association may not, except as provided by this section, adopt or enforce a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting a property owner from installing a liquid propane gas tank above ground on the owner's residential property if the tank is a size reasonably necessary to meet the gas requirements of the residence.

(b) The property owners' association may require the owner to screen the tank from view with reasonable screening materials.

(c) A property owners' association may adopt or enforce a dedicatory instrument provision that prohibits or restricts the installation of a liquid propane gas tank that:

(1) as adjudicated by a court:

(A) threatens the public health or safety; or

(B) violates a law;

(2) is located on property other than property owned and maintained by the property owner;

1           (3) is located in an area on the property owner's  
2 property other than a rear or side yard and is not:

3                   (A) surrounded by a solid privacy fence approved  
4 by the association; or

5                   (B) otherwise screened in a manner approved by  
6 the association;

7           (4) if located in a fenced yard or patio, is taller  
8 than the fence line;

9           (5) as installed, voids material warranties; or

10           (6) was installed without prior approval by the  
11 property owners' association or by a committee created in a  
12 dedicatory instrument for such purposes that provides decisions  
13 within a reasonable period or within a period specified in the  
14 dedicatory instrument.

15           SECTION 2. Chapter 250, Local Government Code, is amended  
16 by adding Section 250.007 to read as follows:

17           Sec. 250.007. REGULATION OF LIQUID PROPANE GAS TANKS ON  
18 RESIDENTIAL PROPERTY. (a) A municipality or county may not, except  
19 as provided by this section, enact or enforce an order or ordinance  
20 that prohibits, restricts, or has the effect of prohibiting or  
21 restricting a property owner from installing a liquid propane gas  
22 tank above ground on the owner's residential property if the tank is  
23 a size reasonably necessary to meet the gas requirements of the  
24 residence.

25           (b) If the tank is located on residential property within  
26 the corporate boundaries of the municipality, the municipality may  
27 require the owner to screen the tank from view with reasonable

1 screening materials.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.