

By: Isaac

H.B. No. 1178

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the enforceability of certain restrictive covenants
3 governing the use of fuel on and supply of fuel to property in
4 certain subdivisions or other planned developments.

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

6 SECTION 1. Chapter 202, Property Code, is amended by adding
7 Section 202.008 to read as follows:

8 Sec. 202.008. FUEL UTILIZATION COVENANTS. (a) A property
9 owners' association or a declarant may not enforce or impose a
10 restrictive covenant that:

11 (1) requires a property owner to exclusively use a
12 particular fuel on the owner's property or exclusively use fuel
13 provided by a particular supplier on the owner's property; or

14 (2) imposes a fee payable to any person for an owner to
15 opt out of a requirement described by Subdivision (1).

16 (b) A restrictive covenant described by Subsection (a) is
17 void and is unenforceable by any person.

18 SECTION 2. Section 202.008, Property Code, as added by this
19 Act, applies to a restrictive covenant imposed before, on, or after
20 the effective date of this Act.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.