

By: Zerwas

H.B. No. 3888

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of a restrictive covenant on property used as an assisted living facility.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.0045 to read as follows:

Sec. 202.0045. ENFORCEMENT OF RESTRICTIVE COVENANTS ON CERTAIN PROPERTY. (a) A property owners' association may enforce a restrictive covenant that applies to property used as an assisted living facility under Chapter 247, Health and Safety Code, to the same extent and in the same manner as the restrictive covenant is or would be enforced with respect to any other property that is subject to the restrictive covenant.

(b) This section does not authorize a property owners' association to enforce a restriction that prohibits the use of property as a community home under Chapter 123, Human Resources Code, or to construe a restrictive covenant in a way that would restrict property from being used for that purpose.

SECTION 2. This Act takes effect September 1, 2017.