

## **BILL ANALYSIS**

H.B. 4271  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that property conveyance documents sometimes contain legacy language that may have been legally acceptable at the time the document was written but is now unconstitutional, such as restrictions that are discriminatory on various grounds. H.B. 4271 seeks to address this issue by authorizing the grantee of such an instrument to bring an action against the county in which the instrument is recorded to request the redaction of the language in question.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4271 amends the Property Code to authorize the grantee of an instrument conveying an interest in real property who believes that a restriction in the instrument violates the Texas or U.S. Constitution, to bring an action against the county in which the instrument is recorded to request the redaction of that restriction. The bill authorizes such an action to be brought in the county in which the instrument is recorded. The bill requires a court that finds that such a restriction violates either constitution to enter a written order that identifies the instrument and the specific violating language and that requires the county clerk to redact the restriction from the instrument. The bill requires the clerk to make the redaction on receipt of the order.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.