

By: Toth, et al.

H.B. No. 67

A BILL TO BE ENTITLED

AN ACT

relating to restrictive covenants related to swimming pool enclosures.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.022 to read as follows:

Sec. 202.022. SWIMMING POOL ENCLOSURES. (a) In this section, "swimming pool enclosure" means a fence that:

(1) surrounds a water feature, including a swimming pool or spa;

(2) consists of transparent mesh or clear panels set in metal frames;

(3) is not more than six feet in height; and

(4) is designed to not be climbable.

(b) A property owners' association:

(1) may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing on the property owner's property a swimming pool enclosure that conforms to applicable state or local safety requirements; and

(2) may adopt and enforce a provision in a dedicatory instrument establishing limitations related to the appearance of a swimming pool enclosure, including limitations establishing permissible colors for a swimming pool enclosure, provided that the

1 provision does not prohibit a swimming pool enclosure that is black  
2 in color and consists of transparent mesh set in metal frames.

3 SECTION 2. This Act takes effect September 1, 2021.