

BILL ANALYSIS

H.B. 4812
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that detached condominiums have become increasingly common in Texas and are often used by developers to offer more affordable housing through increased density. Unlike traditional subdivisions, condominiums create individual units under condominium regimes governed under the Uniform Condominium Act, which provides a comprehensive framework for creating and managing condominium regimes, including the preparation and recording of plats and plans by licensed professionals. The bill author has additionally informed the committee that despite these guidelines, inconsistencies have emerged in how cities and counties treat condominium projects, with some jurisdictions imposing traditional subdivision platting requirements even though the Uniform Condominium Act allows condominiums to be created without regulatory approval. A 2004 attorney general opinion contributed to this confusion by suggesting condominiums could be treated as subdivisions, subjecting them to local ordinances. The bill author has further informed the committee that, as a result, some local governments require redundant platting processes, complicating development and undermining the existing statutory framework. H.B. 4812 addresses these issues by clarifying that a condominium project that complies with the Uniform Condominium Act is not a subdivision for purposes of local subdivision platting requirements. This clarification serves to eliminate duplicative regulations and help preserve the viability of condominium regimes as a development tool for providing affordable housing options.

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. 4812 amends the Property Code to establish, with respect to the applicability of local ordinances, regulations, and building codes under the Uniform Condominium Act, that a condominium declaration is not a subdivision of land for purposes of Local Government Code provisions relating to municipal regulation of subdivisions and property development, county regulation of subdivisions, or the authority of a municipality and county to regulate subdivisions in and outside a municipality's extraterritorial jurisdiction. The bill prohibits a municipality or county from requiring the preparation or submission for approval of a subdivision plat in connection with the creation or alteration of a condominium under the Uniform Condominium Act.

H.B. 4812 applies only to a condominium declaration filed for recording on or after the bill's effective date. A condominium declaration filed for recording before the bill's effective date is governed by the law as it existed immediately before the bill's effective date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.