

BILL ANALYSIS

C.S.H.B. 3539
By: Dukes
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that residential neighborhood developments that are not fully completed and considered to be in the development phase are typically managed and regulated by the homebuilder or developer. The parties have expressed concern regarding the authority of a declarant to prohibit property owners from installing a solar energy device while the neighborhood is still in the development phase. C.S.H.B. 3539 addresses this concern by amending the applicable law.

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

C.S.H.B. 3539 amends the Property Code to limit a declarant's authority to prohibit or restrict an owner of property in a residential subdivision from installing a solar energy device during the development period to a development with fewer than 51 planned residential units.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3539 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 202.010(a), Property Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Residential unit" means a structure or part of a structure intended for use as a single residence and that is:

- (A) a single-family house; or
- (B) a separate living unit in a duplex, a triplex, or a quadplex.

SECTION 1. Section 202.010(f), Property Code, is amended to read as follows:

(f) During the development period, the declarant may prohibit or restrict a property owner from installing a solar energy device in developments with 50 or fewer units/lots.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Section 202.010(f), Property Code, is amended to read as follows:

(f) During the development period for a development with fewer than 51 planned residential units, the declarant may prohibit or restrict a property owner from installing a solar energy device.

SECTION 3. Same as introduced version.