

BILL ANALYSIS

H.B. 3868
By: Smithee
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties believe that property owners' associations should have the authority to require prospective tenants to consent to a background and criminal history check before their tenancy in the applicable subdivision is approved. H.B. 3868 seeks to provide an association with this authority, subject to the approval of a majority of owners.

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. 3868 amends the Property Code to authorize a property owners' association on approval of an affirmative vote of a majority of owners to adopt and enforce a provision in a governing instrument covering the establishment, maintenance, and operation of the residential subdivision requiring an applicant for a long-term or short-term tenancy of a property in the subdivision to consent to a background and criminal history check conducted by or on behalf of the property owners' association. This authorization applies to such a governing instrument adopted before, on, or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.