

BILL ANALYSIS

Senate Research Center
77R7649 MXM-D

H.B. 2683
By: Allen (Madla)
Intergovernmental Relations
5/10/2001
Engrossed

DIGEST AND PURPOSE

Many municipalities have actively promoted the development of public improvement projects for the purpose of funding maintenance and improvement of neighborhood amenities and rights-of-way. Although public improvement projects (PIDs) are authorized to maintain and improve common areas, PIDs are not currently authorized to enforce deed restrictions and maintain architectural control. These functions are usually performed by a property owners' association. However, these functions are not always addressed if the association has no mandatory membership requirements. H.B. 2683 authorizes public improvement projects to enforce deed restrictions and to perform architectural control in accordance with declarations properly recorded in county deed records.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 372.003(b), Local Government Code, to authorize a public improvement project to include enforcement of a deed restriction, as that term is defined by Section 27.034(h), Government Code, relating to property in the district, including the initiation, defense, or intervention in litigation or an administrative proceeding to enjoin or abate the violation of a deed restriction; and approval or denial of applications for proposed original construction or modification of a building, structure, or improvement located in the district according to applicable guidelines adopted by a property owners' association under Section 204.010, Property Code, and recorded in the real property records of the county in which the property is located.

SECTION 2. Effective date: upon passage or September 1, 2001.