

BILL ANALYSIS

Senate Research Center

H.B. 645
By: Puente (Armbrister)
Natural Resources
5/23/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Many property owners' associations have deed restrictions, covenants, or regulations that address landscaping practices. Often these rules undermine water conservation goals by mandating certain amounts and types of turf grass coverages or excessive maintenance standards and irrigation systems, while at the same time prohibiting native or climatically appropriate landscapes and rainwater harvesting systems. H.B. 645 prohibits deed restrictions, covenants, or property association rules that discourage water conservation.

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 Chapter 202, Property Code, by adding Section 202.007, as follows:

Sec. 202.007. CERTAIN RESTRICTIVE COVENANTS PROHIBITED. (a) Prohibits a property owners' association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from taking certain actions or requires a property owner to take certain other actions.

(b) Provides that a provision that violates Subsection (a) is void.

(c) Authorizes a property owners' association to restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf.

(d) Provides that this section does not restrict, require, or prohibit a property owners' association from regulating certain activities under certain conditions.

(e) Provides that this section does not apply to certain property owners' associations.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No 1:

Amends H.B. 645, House Engrossment, in SECTION 1 on page 3, line 11, to strike "10,000" and replace with "4,000."