

1-1 By: Deuell S.B. No. 593
1-2 (In the Senate - Filed February 15, 2013; February 25, 2013,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 3, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 3, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hinojosa</u>	X		
1-10	<u>Nichols</u>	X		
1-11	<u>Garcia</u>	X		
1-12	<u>Paxton</u>	X		
1-13	<u>Taylor</u>	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 593 By: Nichols

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the authority of a property owners' association to
1-18 regulate the use of certain lots for residential purposes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 209, Property Code, is amended by adding
1-21 Section 209.015 to read as follows:

1-22 Sec. 209.015. REGULATION OF LAND USE: RESIDENTIAL PURPOSE.

1-23 (a) In this section:

1-24 (1) "Adjacent lot" means:

1-25 (A) a lot that is contiguous to another lot that
1-26 fronts on the same street;

1-27 (B) with respect to a corner lot, a lot that is
1-28 contiguous to the corner lot by either a side property line or a
1-29 back property line; or

1-30 (C) if permitted by the dedicatory instrument,
1-31 any lot that is contiguous to another lot at the back property line.

1-32 (2) "Residential purpose" with respect to the use of a
1-33 lot:

1-34 (A) means the location on the lot of any
1-35 building, structure, or other improvement customarily appurtenant
1-36 to a residence, as opposed to use for a business or commercial
1-37 purpose; and

1-38 (B) includes the location on the lot of a garage,
1-39 sidewalk, driveway, parking area, children's swing or playscape,
1-40 fence, septic system, swimming pool, utility line, or water well
1-41 and, if otherwise specifically permitted by the dedicatory
1-42 instrument, the parking or storage of a recreational vehicle.

1-43 (b) Except as provided by this section, a property owners'
1-44 association may not adopt or enforce a provision in a dedicatory
1-45 instrument that prohibits or restricts the owner of a lot on which a
1-46 residence is located from using for residential purposes an
1-47 adjacent lot owned by the property owner.

1-48 (c) An owner must obtain the approval of the property
1-49 owners' association or, if applicable, an architectural committee
1-50 established by the association or the association's dedicatory
1-51 instruments, based on criteria prescribed by the dedicatory
1-52 instruments specific to the use of a lot for residential purposes,
1-53 including reasonable restrictions regarding size, location,
1-54 shielding, and aesthetics of the residential purpose, before the
1-55 owner begins the construction, placement, or erection of a
1-56 building, structure, or other improvement for the residential
1-57 purpose on an adjacent lot.

1-58 (d) An owner who elects to use an adjacent lot for
1-59 residential purposes under this section shall, on the sale or
1-60 transfer of the lot containing the residence:

2-1 (1) include the adjacent lot in the sales agreement
2-2 and transfer the lot to the new owner under the same dedicatory
2-3 conditions; or

2-4 (2) restore the adjacent lot to the original condition
2-5 before the addition of the improvements allowed under this section
2-6 to the extent that the lot would again be suitable for the
2-7 construction of a separate residence as originally platted and
2-8 provided for in the conveyance to the owner.

2-9 (e) An owner may sell the adjacent lot separately only for
2-10 the purpose of the construction of a new residence that complies
2-11 with existing requirements in the dedicatory instrument unless the
2-12 lot has been restored as described by Subsection (d)(2).

2-13 (f) A provision in a dedicatory instrument that violates
2-14 this section is void.

2-15 SECTION 2. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2013.

2-20 * * * * *