

## **BILL ANALYSIS**

H.B. 3888  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties point to concerns regarding public health as they assert that additional levels of regulation are needed to enforce restrictive covenants on property used as assisted living facilities. H.B. 3888 seeks to address this issue by authorizing a property owners' association to enforce a restrictive covenant on property used as such a facility.

### **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. 3888 amends the Property Code to authorize a property owners' association to enforce a restrictive covenant that applies to property used as an assisted living facility under the Assisted Living Facility Licensing Act to the same extent and in the same manner as the restrictive covenant is or would be enforced with respect to any other property that is subject to the restrictive covenant. The bill expressly does not authorize a property owners' association to enforce a restriction that prohibits the use of property as a community home under the Community Homes for Persons with Disabilities Act or to construe a restrictive covenant in a way that would restrict property from being used for that purpose.

### **EFFECTIVE DATE**

September 1, 2017.