

BILL ANALYSIS

C.S.H.B. 67
By: Toth
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The accidental drowning of three-year-old Judah Brown in Houston in 2016 led to an increased focus on pool safety measures. Of particular concern to many have been reports of property owners' associations adopting or enforcing prohibitions or restrictions on the installation of swimming pool enclosures. C.S.H.B. 67 seeks to ensure that homeowners who want to erect a fence around their swimming pool to protect their children are able to do so by prohibiting a property owners' association from adopting or enforcing a provision in a dedicatory instrument that prohibits or restricts the installation of certain compliant swimming pool enclosures.

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

C.S.H.B. 67 amends the Property Code to prohibit a property owners' association from adopting or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from installing on the owner's property a swimming pool enclosure, as defined by the bill, that conforms to applicable state or local safety requirements. The bill authorizes an association to adopt and enforce a provision in a dedicatory instrument establishing limitations related to the appearance of a swimming pool enclosure, including limitations establishing permissible colors for the enclosure, unless the provision prohibits an enclosure that is black in color and consists of transparent mesh set in metal frames.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 67 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following:

- a definition of "swimming pool enclosure"; and

- a provision authorizing a property owners' association to adopt and enforce a provision in a dedicatory instrument establishing certain limitations related to the appearance of a swimming pool enclosure.