

SUBJECT: Prohibiting property owners' associations from restricting pool enclosures

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 9 ayes — C. Turner, Hefner, Cain, Crockett, Lambert, Ordaz Perez,
Patterson, Shine, S. Thompson

0 nays

WITNESSES: For — Christi Brown and Mark Brown, Judah Brown Project; Jamie Corbett; Debbie Orsak; (*Registered, but did not testify*: Will McAdams, Associated Builders and Contractors of Texas; Annette Courtney, Judah Brown Project; Julia Parenteau, Texas Realtors; Ethan Armstrong)

Against — Connie Heyer, Texas Community Association Advocates; (*Registered, but did not testify*: Vanessa MacDougal)

DIGEST: CSHB 67 would prohibit a property owners' association from adopting or enforcing a provision in a dedicatory instrument that prohibited or restricted a property owner from installing a swimming pool enclosure that conformed to state or local safety requirements.

"Swimming pool enclosure" would mean a fence that surrounded a water feature, including a swimming pool or spa; consisted of transparent mesh or clear panels set in metal frames; was not more than six feet tall; and was designed to not be climbable.

The bill would allow a property owners' association to adopt and enforce a provision establishing limitation to the appearance of a swimming pool enclosure, including limitations on permissible colors, provided that the provision did not prohibit an enclosure that was black and consisted of transparent mesh set in metal frames.

The bill would take effect September 1, 2021.

SUPPORTERS CSHB 67 would prohibit property owners' associations from restricting

SAY: the installation of swimming pool enclosures, allowing homeowners to take precautions to save lives by building a fence around their pools and spas. According to the Centers for Disease Control and Prevention, accidental drowning is the No. 1 cause of death among children one to four years old, and most drownings occur in home swimming pools. This bill would support homeowner rights to safeguard their property and prevent young children from accessing their pool without supervision.

CSHB 67 would not restrict a property owners' association from adopting a rule related to the appearance of the swimming enclosure, as long as they did not deny the approval of a black enclosure or one made of transparent mesh. This would allow associations to maintain uniformity in water feature enclosures within their communities.

**CRITICS
SAY:**

No concerns identified.