

BILL ANALYSIS

Senate Research Center

S.B. 1696
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Intergovernmental Relations
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As Filed

DIGEST

Currently, deed restrictions are dealt with in a disparate manner depending on the population of the county involved. For counties with populations of more than two million people, the law allows the county attorney to sue in a court of competent jurisdiction to enjoin violations of a restriction contained or incorporated by reference in a properly recorded plan, plat or replat, or other instrument affecting a real property subdivision located in the county, regardless of the date on which the instrument was recorded. The county attorney may not enforce a restriction relating to race or any other restriction that violates the state or federal constitution. This legislation would allow counties with smaller populations the same latitude to enforce deed restrictions by lowering the limit from more than two million people to more than 200,000 people.

PURPOSE

As proposed, S.B. 1696 provides for the enforcement of land use restrictions in certain counties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 203, Property Code, as follows:

CHAPTER 203. New heading: ENFORCEMENT OF LAND USE RESTRICTIONS IN
CERTAIN COUNTIES

SECTION 2. Amends Section 203.001, Property Code, to provide that this chapter applies only to a county with a population of more than 200,000, rather than two million.

SECTION 3. Emergency clause.
Effective date: upon passage.