

BILL ANALYSIS

Senate Research Center
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H.B. 509
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Intergovernmental Relations
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Engrossed

DIGEST

Currently, Texas law does not allow a justice of the peace to issue injunctions. The 1st District Court in Harris County handed down a ruling in November 1998 that interpreted Section 27.034, Government Code, to grant injunctive power to justices of the peace because the section references concurrent jurisdiction to allow deed restriction cases to be brought in either a district court or a justice of the peace court. When the original law was passed in 1995, language in the bill that would have allowed justices of the peace to issue injunctions was removed in a committee substitute. H.B. 509 prohibits a justice of the peace from granting a writ of injunction under Section 27.034, Government Code.

PURPOSE

As proposed, H.B. 509 establishes provisions regarding disputes concerning enforcement of deed restrictions in justice court.

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 Section 27.034, Government Code, by adding Subsection (j), to provide that nothing in this section authorizes a justice of the peace to grant a writ of injunction.

SECTION 2. Provides that the purpose of this section is to clarify that the authority that a justice of the peace is granted under Section 27.034, Government Code, in a deed restriction dispute does not include the authority to grant an injunction.

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