

BILL ANALYSIS

H.B. 1178
By: Isaac
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties explain that developers oftentimes create deed restrictions with propane companies to the point where homeowners are forced to use a particular propane provider for decades at a time. H.B. 1178 aims to invalidate such restrictions.

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. 1178 amends the Property Code to prohibit a property owners' association or a declarant from enforcing or imposing a restrictive covenant that requires a property owner to exclusively use a particular fuel, or exclusively use fuel provided by a particular supplier, on the owner's property or that imposes a fee payable to any person for an owner to opt out of such a requirement. The bill makes such a restrictive covenant void and unenforceable by any person. The bill's provisions apply to a restrictive covenant imposed before, on, or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.