

## II. New Laws Affecting All Types of Associations Including Condominiums

Section 202.007 (a)

**AMENDED** Effective: 9/1/11

### Rain Barrels

SECTION 6. Section 202.007(d), Property Code, is amended to read as follows:

- (d) This section does not:
- (1) restrict a property owners' association from regulating the requirements, including size, type, shielding, and materials, for or the location of a composting device if the restriction does not prohibit the economic installation of the device on the property owner's property where there is reasonably sufficient area to install the device;
  - (2) require a property owners' association to permit a device described by Subdivision (1) to be installed in or on property:
    - (A) owned by the property owners' association;
    - (B) owned in common by the members of the property owners' association; or
    - (C) in an area other than the fenced yard or patio of a property owner;
  - (3) prohibit a property owners' association from regulating the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes;
  - (4) prohibit a property owners' association from regulating the installation or use of gravel, rocks, or cacti;
  - (5) restrict a property owners' association from regulating yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water conservation;
  - (6) **require a property owners' association to permit a rain barrel or rainwater harvesting system to be installed in or on property if:**

- (A) the property is:
  - (i) owned by the property owners' association;
  - (ii) owned in common by the members of the property owners' association; or
  - (iii) located between the front of the property owner's home and an adjoining or adjacent street; or
  
- (B) the barrel or system:
  - (i) is of a color other than a color consistent with the color scheme of the property owner's home; or
  - (ii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured; or
  
- (7) restrict a property owners' association from regulating the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if:
  - (A) the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and
  - (B) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.

**[HB 3391, 82<sup>nd</sup> Legislature]**

## Summary:

This amendment addresses an association's ability to regulate devices which harvest rainwater.

**Wildlife**

SECTION 1. Subsections (a) through (h) and (k), Section 43.0612, Parks and Wildlife Code, are amended to read as follows:

- (a) In this section:
  - (1) "Property owners' association" has the meaning assigned by Section 202.001, Property Code.
  - (2) "Qualified individual" means an individual who has a wildlife management plan approved by the department.
- (b) The department may issue to a qualified individual, a political subdivision, or a property owners' association a permit authorizing the trapping and transporting of surplus white-tailed deer found on the property owned by the qualified individual or within the boundaries of the political subdivision or the geographic area in which property subject to the property owners' association is located.
- (c) Not later than the 30th day before the date of the first planned trapping and transporting of white-tailed deer, a qualified individual, a political subdivision, or a property owners' association shall file with the department an application showing that an overpopulation of white-tailed deer exists on the property owned by the qualified individual or within the boundaries of the political subdivision, or property owners' association, the permit shall contain specific instructions detailing the location to which the trapped white-tailed deer are to be transported or transplanted.
- (d) After receipt of an application, the department may issue to the qualified individual, political subdivision, or property owners' association a permit specifying:
  - (1) the location to which trapped white-tailed deer must be transported; and
  - (2) the purpose for which the trapped deer are to be used.

- (e) The department may deny a qualified individual, a political subdivision, or a property owners' association a permit if no suitable destination for the trapped white-tailed deer exists.
- (f) A qualified individual, a political subdivision, or a property owners' association trapping and transporting white-tailed deer under this section must make reasonable efforts to ensure:
  - (1) safe and humane handling of trapped white-tailed deer; and
  - (2) minimization of human health and safety hazards in every phase of the trapping and transporting of white-tailed deer.
- (g) A permit issued under this section may authorize a qualified individual, a political subdivision, or a property owners' association to trap and transport white-tailed deer only between October 1 of a year and March 31 of the following year, unless white-tailed deer found on the property owned by the qualified individual or within the boundaries of ~~the~~ the political subdivision or the geographic area in which property subject to the property owners' association is located pose a threat to human health or safety, in which case the provision of Subsection (e) does not apply and a permit may authorize the qualified individual, political subdivision, or property owners' association to trap and transport white-tailed deer at any time of the year.
- (h) A permit issued under this section does not entitle a person to take, trap, or possess white-tailed deer found on any privately owned land without the landowner's written permission, unless the permit holder is the landowner.
- (k) The commission may adopt rules necessary for the implementation of this chapter, including rules which enhance the opportunity to relocate overpopulation of urban deer and relating to required notification, record keeping, permit conditions, and the disposition of trapped white-tailed deer. **The commission shall adopt rules for determining the circumstances under which a qualified individual, political subdivision, or property owners' association may obtain a permit issued under this section.**

**[HB 498, 82<sup>nd</sup> Legislature]**

## Summary:

This amendment addresses the issuance of permits which may authorize an association to trap and transport surplus white tail deer.

### III. New Laws Affecting Condominium Associations Only

Chapter 82.118 (Condominium Act)  
and Chapter 214  
of the Local Government Code

AMENDED

Effective: 9/1/11

#### Disclosure Notice and Eminent Domain on Blighted Condominium - Houston

[HB 364, 82<sup>nd</sup> Legislation]

#### Summary:

Chapter 82.118 of the Condominium Act now requires that a condominium unit owner in the Houston area provide written notice of their new address to the appraisal district within 90 after changing their address.

Chapter 214 of the Local Government Code now allows the City of Houston to use eminent domain on an unoccupied blighted condominium complex if certain criteria are met.