

By: Workman

H.B. No. 70

A BILL TO BE ENTITLED

AN ACT

relating to a property owner's right to remove a tree or vegetation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 240.909(b), Local Government Code, is amended to read as follows:

(b) Notwithstanding Section 250.009, the ~~[The]~~ commissioners court of a county subject to this section may prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county.

SECTION 2. The heading to Chapter 250, Local Government Code, is amended to read as follows:

CHAPTER 250. MISCELLANEOUS LOCAL GOVERNMENT REGULATORY AUTHORITY  
~~[OF MUNICIPALITIES AND COUNTIES]~~

SECTION 3. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. REMOVAL OF TREE OR VEGETATION. (a) Except as provided by Subsection (b) and Section 240.909, a municipality, county, or other political subdivision may not enact or enforce any ordinance, rule, or other regulation that restricts the ability of a property owner to remove a tree or vegetation on the owner's property, including a regulation that requires the owner to file an affidavit or notice before removing the tree or vegetation.

(b) This section does not prevent the enforcement of an ordinance, rule, or other regulation designed to mitigate

1 tree-borne diseases as recommended by the Texas A&M Forest Service.

2 SECTION 4. Chapter 202, Property Code, is amended by adding  
3 Section 202.013 to read as follows:

4 Sec. 202.013. REGULATION OF TREE OR VEGETATION REMOVAL.

5 (a) A property owners' association may not include or enforce a  
6 provision in a dedicatory instrument that restricts the ability of  
7 a property owner to remove a tree or vegetation on the owner's  
8 property, including a provision that requires the owner to file an  
9 affidavit or notice before removing the tree or vegetation.

10 (b) This section does not apply to:

11 (1) a provision in a dedicatory instrument designed to  
12 mitigate tree-borne disease as recommended by the Texas A&M Forest  
13 Service; or

14 (2) an area of an owner's property that is in a  
15 specified drainage or conservation easement shown on a plat  
16 recorded with the applicable political subdivision.

17 SECTION 5. Section 202.013, Property Code, as added by this  
18 Act, applies to a dedicatory instrument without regard to whether  
19 the dedicatory instrument takes effect or is renewed before, on, or  
20 after the effective date of this Act.

21 SECTION 6. This Act takes effect December 1, 2017.