

By: Solomons

H.B. No. 2200

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on apartment owners in a condominium regime relating to club membership.

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

SECTION 1. Subchapter B, Chapter 81, Property Code, is amended by adding Section 81.112 to read as follows:

Sec. 81.112. RESTRICTION RELATING TO CLUB MEMBERSHIP. (a)  
A provision of a declaration, master deed, master lease, or other recorded contract that requires owners of apartments in a condominium regime to maintain a membership in a specified private club is not valid after the 10th anniversary of the date the provision is recorded or renewed unless renewed after the ninth anniversary of that date at a meeting of the apartment owners at which the renewal is approved by the holders of at least 67 percent of the ownership interests in the condominium and the text of the renewed provision is recorded in the real property records of each county in which the condominium is located.

(b) A provision described by this section may not be enacted or renewed as a bylaw by a council of owners.

SECTION 2. Subchapter B, Chapter 82, Property Code, is amended by adding Section 82.0675 to read as follows:

Sec. 82.0675. RESTRICTION RELATING TO CLUB MEMBERSHIP. (a)  
A provision of a declaration or recorded contract that requires owners of units in a condominium to maintain a membership in a

1 specified private club is not valid after the 10th anniversary of  
2 the date the provision is recorded or renewed unless renewed after  
3 the ninth anniversary of that date in the manner provided by the  
4 declaration or recorded contract for amending the declaration or  
5 recorded contract and the text of the renewed provision is filed in  
6 the real property records of each county in which the condominium is  
7 located.

8 (b) A provision described by this section may not be enacted  
9 or renewed as a bylaw by the unit owners' association.

10 SECTION 3. The change in law made by this Act applies only  
11 to a declaration, master deed, master lease, contract, or bylaw  
12 relating to club membership that is recorded, enacted, or renewed  
13 on or after the effective date of this Act. A provision of a  
14 declaration, master deed, master lease, contract, or bylaw relating  
15 to club membership that was recorded, enacted, or renewed before  
16 the effective date of this Act is continued in effect unless  
17 canceled after the ninth anniversary of the date the provision was  
18 recorded, enacted, or renewed at a meeting of the apartment owners  
19 at which the provision is disapproved by the holders of at least 67  
20 percent of the ownership interests in the condominium.

21 SECTION 4. This Act takes effect September 1, 2003.