

By: Solomons

H.B. No. 2200

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restrictions on apartment owners in a condominium
3 regime relating to club membership.

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

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

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

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

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

22 Sec. 82.0675. RESTRICTION RELATING TO CLUB MEMBERSHIP. (a)
23 A provision of a declaration that requires owners of units in a
24 condominium to maintain a membership in a specified private club is

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

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

9 SECTION 3. The change in law made by this Act applies only
10 to a declaration, master deed, master lease, or bylaw relating to
11 club membership that is recorded, enacted, or renewed on or after
12 the effective date of this Act. A declaration, master deed, master
13 lease, or bylaw that was recorded, enacted, or renewed before the
14 effective date of this Act is governed by the law in effect at the
15 time it was recorded, enacted, or renewed, and the former law is
16 continued in effect for that purpose.

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