

1-1 By: Solomons (Senate Sponsor - Fraser) H.B. No. 2200
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 19, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to restrictions on apartment owners in a condominium
1-9 regime relating to club membership.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 81, Property Code, is
1-12 amended by adding Section 81.112 to read as follows:

1-13 Sec. 81.112. RESTRICTION RELATING TO CLUB MEMBERSHIP. (a)
1-14 A provision of a declaration, master deed, master lease, or other
1-15 recorded contract that requires owners of apartments in a
1-16 condominium regime to maintain a membership in a specified private
1-17 club is not valid after the 10th anniversary of the date the
1-18 provision is recorded or renewed unless renewed after the ninth
1-19 anniversary of that date at a meeting of the apartment owners at
1-20 which the renewal is approved by the holders of at least 67 percent
1-21 of the ownership interests in the condominium and the text of the
1-22 renewed provision is recorded in the real property records of each
1-23 county in which the condominium is located.

1-24 (b) A provision described by this section may not be enacted
1-25 or renewed as a bylaw by a council of owners.

1-26 SECTION 2. Subchapter B, Chapter 82, Property Code, is
1-27 amended by adding Section 82.0675 to read as follows:

1-28 Sec. 82.0675. RESTRICTION RELATING TO CLUB MEMBERSHIP. (a)
1-29 A provision of a declaration or recorded contract that requires
1-30 owners of units in a condominium to maintain a membership in a
1-31 specified private club is not valid after the 10th anniversary of
1-32 the date the provision is recorded or renewed unless renewed after
1-33 the ninth anniversary of that date in the manner provided by the
1-34 declaration or recorded contract for amending the declaration or
1-35 recorded contract and the text of the renewed provision is filed in
1-36 the real property records of each county in which the condominium is
1-37 located.

1-38 (b) A provision described by this section may not be enacted
1-39 or renewed as a bylaw by the unit owners' association.

1-40 SECTION 3. The change in law made by this Act applies only
1-41 to a declaration, master deed, master lease, contract, or bylaw
1-42 relating to club membership that is recorded, enacted, or renewed
1-43 on or after the effective date of this Act. A provision of a
1-44 declaration, master deed, master lease, contract, or bylaw relating
1-45 to club membership that was recorded, enacted, or renewed before
1-46 the effective date of this Act is continued in effect unless
1-47 canceled after the ninth anniversary of the date the provision was
1-48 recorded, enacted, or renewed at a meeting of the apartment owners
1-49 at which the provision is disapproved by the holders of at least 67
1-50 percent of the ownership interests in the condominium.

1-51 SECTION 4. This Act takes effect September 1, 2003.

1-52 * * * * *