

By: Hochberg

H.B. No. 2218

Substitute the following for H.B. No. 2218:

By: Elkins

C.S.H.B. No. 2218

A BILL TO BE ENTITLED

AN ACT

relating to the vesting of architectural control committee authority in certain subdivisions.

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

SECTION 1. Section 204.011, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If existing restrictions applicable to a subdivision do not provide for a property owners' association and a property owners' association has not been formed, the architectural control committee authority over the entire subdivision vests in a civic association other than a property owners' association if:

(1) an architectural control committee created by the restrictions exercised the architectural control committee authority as provided by the restrictions over all the lots in the subdivision for at least 10 years and over a majority of the lots in the subdivision for at least 20 years;

(2) an architectural control committee created by the restrictions assigned the civic association the architectural control committee authority over a majority of the lots in the subdivision;

(3) the civic association was assigned the architectural control committee authority over a majority of the lots in the subdivision and has exercised that authority over all the lots in the subdivision for at least 10 years; and

1           (4) the architectural control committee authority has  
2 lapsed in the lots in which the civic association lacks authority,  
3 and the lapse is solely the result of:

4                   (A) the automatic termination of the  
5 architectural control committee authority; or

6                   (B) the death of a member of the architectural  
7 control committee or another cause resulting from the inability to  
8 locate a member of the architectural control committee or the  
9 member's assigns.

10           SECTION 2. This Act takes effect September 1, 2007.