

1-1 By: Hochberg (Senate Sponsor - Janek) H.B. No. 2218
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the vesting of architectural control committee
1-10 authority in certain subdivisions.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 204.011, Property Code, is amended by
1-13 adding Subsection (d) to read as follows:

1-14 (d) If existing restrictions applicable to a subdivision do
1-15 not provide for a property owners' association and a property
1-16 owners' association has not been formed, the architectural control
1-17 committee authority over the entire subdivision vests in a civic
1-18 association other than a property owners' association if:

1-19 (1) an architectural control committee created by the
1-20 restrictions exercised the architectural control committee
1-21 authority as provided by the restrictions over all the lots in the
1-22 subdivision for at least 10 years and over a majority of the lots in
1-23 the subdivision for at least 20 years;

1-24 (2) an architectural control committee created by the
1-25 restrictions assigned the civic association the architectural
1-26 control committee authority over a majority of the lots in the
1-27 subdivision;

1-28 (3) the civic association was assigned the
1-29 architectural control committee authority over a majority of the
1-30 lots in the subdivision and has exercised that authority over all
1-31 the lots in the subdivision for at least 10 years; and

1-32 (4) the architectural control committee authority has
1-33 lapsed in the lots in which the civic association lacks authority,
1-34 and the lapse is solely the result of:

1-35 (A) the automatic termination of the
1-36 architectural control committee authority; or

1-37 (B) the death of a member of the architectural
1-38 control committee or another cause resulting from the inability to
1-39 locate a member of the architectural control committee or the
1-40 member's assigns.

1-41 SECTION 2. This Act takes effect September 1, 2007.

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