

By: Truitt

H.B. No. 2402

A BILL TO BE ENTITLED

AN ACT

relating to restrictive covenants that grant easements to certain property owners' associations.

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

SECTION 1. Chapter 209, Property Code, is amended by adding Section 209.012 to read as follows:

Sec. 209.012. RESTRICTIVE COVENANTS GRANTING EASEMENTS TO CERTAIN PROPERTY OWNERS' ASSOCIATIONS. (a) A property owners' association may not amend a dedicatory instrument to grant the property owners' association an easement through or over an owner's lot without the consent of the owner.

(b) This section does not prohibit a property owners' association from adopting or enforcing a restriction in a dedicatory instrument that allows the property owners' association to access an owner's lot to:

(1) remedy a violation of the dedicatory instrument;
or

(2) take any other enforcement action related to a violation of the dedicatory instrument.

SECTION 2. Section 209.012, Property Code, as added by this Act, applies only to an easement granted by a dedicatory instrument on or after the effective date of this Act. An easement granted by a dedicatory instrument before the effective date of this Act is governed by the law in effect immediately before the effective date

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1 of this Act, and the former law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect September 1, 2007.