

By: Creighton

H.B. No. 3518

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the extension of, addition to, or modification of  
3 existing restrictive covenants in certain residential  
4 subdivisions.

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

6 SECTION 1. Section 204.003, Property Code, is amended to  
7 read as follows:

8 Sec. 204.003. PROVISIONS OF RESTRICTIVE COVENANTS PREVAIL  
9 IN CERTAIN CIRCUMSTANCES. (a) An express designation in a  
10 document creating restrictions applicable to a residential real  
11 estate subdivision that provides for the extension of, addition to,  
12 or modification of existing restrictions by a designated number of  
13 owners of real property in the subdivision prevails over the  
14 provisions of this chapter.

15 (b) Notwithstanding Subsection (a), for a residential  
16 subdivision described by Subsection (c), the provisions of this  
17 chapter prevail over an express designation in a document described  
18 by Subsection (a) if:

19 (1) the designated number of owners of real property  
20 in the subdivision required for approval of an extension of,  
21 addition to, or modification of the document is more than 75  
22 percent; or

23 (2) the designation prohibits the extension of,  
24 addition to, or modification of an existing restriction for a

1 certain time period and that time period has not expired.

2 (c) Subsection (b) applies to a residential subdivision  
3 that is located in a county described by Section 204.002(a)(3)  
4 other than a gated community with private streets.

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