

1-1 By: Creighton (Senate Sponsor - Nichols) H.B. No. 3518  
1-2 (In the Senate - Received from the House May 7, 2007;  
1-3 May 8, 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 3, 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 extension of, addition to, or modification of  
1-10 existing restrictive covenants in certain residential  
1-11 subdivisions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 204.003, Property Code, is amended to  
1-14 read as follows:

1-15 Sec. 204.003. PROVISIONS OF RESTRICTIVE COVENANTS PREVAIL  
1-16 IN CERTAIN CIRCUMSTANCES. (a) An express designation in a  
1-17 document creating restrictions applicable to a residential real  
1-18 estate subdivision that provides for the extension of, addition to,  
1-19 or modification of existing restrictions by a designated number of  
1-20 owners of real property in the subdivision prevails over the  
1-21 provisions of this chapter.

1-22 (b) Notwithstanding Subsection (a), for a residential  
1-23 subdivision described by Subsection (c), the provisions of this  
1-24 chapter prevail over an express designation in a document described  
1-25 by Subsection (a) if:

1-26 (1) the designated number of owners of real property  
1-27 in the subdivision required for approval of an extension of,  
1-28 addition to, or modification of the document is more than 75  
1-29 percent; or

1-30 (2) the designation prohibits the extension of,  
1-31 addition to, or modification of an existing restriction for a  
1-32 certain time period and that time period has not expired.

1-33 (c) Subsection (b) applies to a residential subdivision  
1-34 that is located in a county described by Section 204.002(a)(3)  
1-35 other than a gated community with private streets.

1-36 SECTION 2. This Act takes effect September 1, 2007.

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