

By: Callegari

H.B. No. 3709

A BILL TO BE ENTITLED

AN ACT

relating to the authority to amend restrictions applicable to certain residential subdivisions.

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. AUTHORITY OF ASSOCIATION TO AMEND A DEDICATORY INSTRUMENT. (a) A dedicatory instrument created by a developer of a residential subdivision or by a property owners' association in which the developer has a majority of the voting rights or that the developer otherwise controls under the terms of the dedicatory instrument may not prohibit the amendment of any provision of the dedicatory instrument by the property owners' association after the developer no longer controls the association or the board of directors.

(b) A provision in a dedicatory instrument that violates this section is void and unenforceable.

SECTION 2. Except as specifically provided by a dedicatory instrument in a provision that existed before the effective date of this Act, the change in law made by this Act applies to a dedicatory instrument created before, on, or after the effective date of this Act.

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