

SENATE AMENDMENTS

2nd Printing

By: Creighton

H.B. No. 3518

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(2) the designation prohibits the extension of, 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.

FLOOR AMENDMENT NO. 1

ADOPTED

MAY 22 2007 BY: Phil Lee Nick S

Lotay Spaw
Secretary of the Senate

1 Amend House Bill 3518 by adding an appropriately numbered
2 SECTION to the bill to read as follows, and renumbering
3 subsequent SECTIONS accordingly:

4 SECTION _____. "This Act takes effect only if Senate Bill
5 979, Acts of the 80th Legislature, Regular Session, 2007, does
6 not become law. If that bill becomes law, this Act has no
7 effect."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3518 by Creighton (Relating to the extension of, addition to, or modification of existing restrictive covenants in certain residential subdivisions.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JRO, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 19, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3518 by Creighton (Relating to the extension of, addition to, or modification of existing restrictive covenants in certain residential subdivisions.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JRO, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Helen Giddings, Chair, House Committee on Business & Industry

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3518 by Creighton (Relating to the powers of a property owners' association relating to restrictive covenants in certain subdivisions.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JRO, DB