

House Bill 3518
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 certain time period and that time period has not expired.

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

No equivalent provision.

SENATE VERSION

Same as House version.

CONFERENCE

SECTION __. This Act takes effect only if Senate Bill 979, Acts of the 80th Legislature, Regular Session 2007, does not become law. If that bill becomes law, this Act

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has no effect.

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

Same as House version.