

By: McReynolds

H.B. No. 3287

A BILL TO BE ENTITLED

AN ACT

relating to the amendment of restrictions affecting real property in certain subdivisions.

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

SECTION 1. Section 211.002, Property Code, is amended by amending Subsection (b) and adding Subsections (d) and (e) to read as follows:

(b) This chapter applies only to restrictions that affect real property within a residential real estate subdivision or any units or parcels of the subdivision and that, by the express terms of the instrument creating the restrictions:

(1) are not subject to a procedure by which the restrictions may be amended; ~~or~~

(2) may not be amended without the unanimous consent of:

(A) all property owners in the subdivision; or

(B) all property owners in any unit or parcel of the subdivision; or

(3) provide that amendments to the restrictions are not operative or effective until a specified date or the expiration of a specified time period.

(d) An amendment of a restriction under this chapter is effective on the filing of an instrument reflecting the amendment in the real property records of each county in which all or part of

1 the subdivision is located after the approval of the owners in
2 accordance with the amendment procedure adopted under Section
3 211.004.

4 (e) An amendment under this chapter of a restriction
5 described by Subsection (b)(3) is effective as provided by this
6 chapter, regardless of whether the date specified in the
7 restrictions has occurred or the time prescribed by the
8 restrictions has expired.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.