

By: McReynolds

H.B. No. 3287

A BILL TO BE ENTITLED

AN ACT

relating to amending the restrictions of certain subdivisions.

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

SECTION 1. Chapter 211 Section 211.002, Property Code, is amended to read as follows:

Sec. 211.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a residential real estate subdivision or any unit or parcel of a subdivision located in whole or in part within an unincorporated area of a county if the county has a population of less than 65,000.

(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.

(3) a majority or more of the owners in the subdivision with all sections of the subdivision collectively having more than one hundred lots or tracts, with fifty percent or more of the lots

1 being unimproved or owned by an absent owner. A lot shall be  
2 considered unimproved if there is no residence constructed thereon,  
3 and "absent owner" means a person or persons who do not reside in  
4 the subdivision.

5 (c) This chapter applies to a restriction regardless of the  
6 date on which it was created.

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