

1-1 By: McReynolds (Senate Sponsor - Ogden) H.B. No. 3287
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 8, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the amendment of restrictions affecting real property
1-9 in certain subdivisions.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 211.002, Property Code, is amended by
1-12 amending Subsection (b) and adding Subsections (d) and (e) to read
1-13 as follows:

1-14 (b) This chapter applies only to restrictions that affect
1-15 real property within a residential real estate subdivision or any
1-16 units or parcels of the subdivision and that, by the express terms
1-17 of the instrument creating the restrictions:

1-18 (1) are not subject to a procedure by which the
1-19 restrictions may be amended; [~~or~~]

1-20 (2) may not be amended without the unanimous consent
1-21 of:

1-22 (A) all property owners in the subdivision; or

1-23 (B) all property owners in any unit or parcel of
1-24 the subdivision; or

1-25 (3) provide that amendments to the restrictions are
1-26 not operative or effective until a specified date or the expiration
1-27 of a specified time period.

1-28 (d) An amendment of a restriction under this chapter is
1-29 effective on the filing of an instrument reflecting the amendment
1-30 in the real property records of each county in which all or part of
1-31 the subdivision is located after the approval of the owners in
1-32 accordance with the amendment procedure adopted under Section
1-33 211.004.

1-34 (e) An amendment under this chapter of a restriction
1-35 described by Subsection (b)(3) is effective as provided by this
1-36 chapter, regardless of whether the date specified in the
1-37 restrictions has occurred or the time prescribed by the
1-38 restrictions has expired.

1-39 SECTION 2. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2009.

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