

AN ACT

relating to extension or modification of restrictive covenants in certain residential real estate subdivisions.

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

SECTION 1. Section 201.004, Property Code, is amended by adding Subsection (d) to read as follows:

(d) If existing originally applicable restrictions provide a procedure for extension, that procedure may be used for successive extensions of the originally applicable restrictions unless the original restriction instrument expressly prohibits the procedure from being used for successive extensions.

SECTION 2. Subdivision (4), Section 210.001, Property Code, is amended to read as follows:

(4) "Residential real estate subdivision" or "subdivision" has the meaning assigned by Section 201.003, except that in a county described by Section 210.002(1) a subdivision that is a gated community with private streets need not be located in a city, town, or village or within the extraterritorial jurisdiction of a city, town, or village.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1672 passed the Senate on May 5, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1672 passed the House, with amendment, on May 18, 2009, by the following vote: Yeas 136, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor