

SENATE AMENDMENTS

2nd Printing

By: McReynolds

H.B. No. 3287

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the amendment of restrictions affecting real property
3 in certain subdivisions.

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

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

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

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

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

16 (A) all property owners in the subdivision; or

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

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

22 (d) An amendment of a restriction under this chapter is
23 effective on the filing of an instrument reflecting the amendment
24 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.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 25 2009

Sten Hegar
BY

Atty Gen
Secretary of the Senate

1 Amend HB 3287 on page _____ at Line _____ by adding Section 2 to
2 read as follows and renumbering the subsequent sections.

3 Section 2. Section 5.017, Property Code is amended as follows:

4 (c) This section does not apply to a deed restriction, a
5 deed restriction amended according to Section 211.002, Property
6 Code or other covenant running with the land that requires a fee
7 associated with the conveyance of property in a subdivision that
8 is payable;

9 (1) to:

10 (A) [+1] a property owners' association that
11 manages or regulates the subdivision or the association's
12 managing agent if the subdivision contains more than one platted
13 lot;

14 (B) [+2] an entity organized under Section
15 501(c)(3), Internal Revenue Code of 1986; ~~[or]~~

16 ~~[(3) a governmental entity]; or~~

17 (C) an entity other than a property owners'
18 association that operates a golf course and country club in or
19 adjacent to the subdivision if property owners in the
20 subdivision are required by deed restriction to obtain and
21 maintain a membership in the golf course and country club; or

22 (2) for the benefit or in consideration of a
23 conservation easement created under Chapter 183, Natural
24 Resources Code, located in a county with a population of at
25 least 500,000 and not more than one million.

1 3

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3287** by McReynolds (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, JB, SD, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3287** by McReynolds (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, JB, SD, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 29, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3287** by McReynolds (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, JB, SD, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 24, 2009

TO: Honorable Dennis Bonnen, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3287 by McReynolds (Relating to amending the restrictions of certain subdivisions.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, DB