

House Bill 3287
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SENATE VERSION

Same as House version.

CONFERENCE

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The following row was presented as similar to the language contained in the engrossed version of Senate Bill 2481, (includes a floor amendment added by Senator Shapiro) with one technical correction.

No equivalent provision.

SECTION __. Section 5.017, Property Code is amended as follows:

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

(1) to:

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

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

[(3) a governmental entity]; or

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

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

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SECTION 2. 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.

Same as House version.