

Amend **CSSB 142** (house committee printing) in SECTION 13 of the bill as follows:

(1) In the recital (page 13, line 14), strike "Section 209.0041" and substitute "Sections 209.0041 and 209.0042".

(2) Following added Section 209.0041, Property Code (page 14, between lines 15 and 16), insert the following:

Sec. 209.0042. VARIANCE FOR COMMERCIAL DEVELOPMENT.

(a) This section applies to a residential subdivision in which property owners are subject to mandatory membership in a property owners' association.

(b) This section does not apply to a property owners' association that is subject to Chapter 552, Government Code, by application of Section 552.0036, Government Code.

(c) Notwithstanding any provision in a dedicatory instrument, a property owners' association board may grant a variance to a restrictive covenant to permit the commercial development of a lot restricted to residential development by the restrictive covenant if:

(1) the lot is adjacent to a US highway with four or more lanes;

(2) the lot is substantially similar to other lots in the subdivision that are not subject to a restrictive covenant requiring residential development and for which commercial use is permitted; and

(3) the lot is not adjacent to a road in the subdivision that accesses the interior portion of the subdivision.

(d) A property owners' association board that grants a variance under Subsection (c) may impose reasonable conditions on the commercial activity permitted by the variance.

(e) A variance granted by the board for a lot under Subsection (c) is not a waiver of the association's authority to enforce the restrictive covenant with respect to other lots that do not qualify for a variance under that subsection.