

## **BILL ANALYSIS**

H.B. 663  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Many older residential subdivisions in Texas counties with a population of less than 65,000 do not have procedures for amending the restrictive covenants under which the subdivision was formed and this prevents landowners in the subdivision from responding to current needs relating to land use, which, in some instances, affects the health and safety of the subdivision's residents. Some restrictive covenants require the unanimous consent of the property owners of the subdivision, making it extremely difficult to amend the covenants. H.B. 663 specifies the federal decennial census as the means of determining whether a county's population is less than 65,000 for purposes of the applicability of provisions relating to the amendment and enforcement of restrictions in certain subdivisions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 663 amends the Property Code, in provisions relating to the amendment and enforcement of restrictions affecting a residential real estate subdivision or unit or parcel of the subdivision located in whole or in part within an unincorporated area of a county with a population of less than 65,000 that, by the terms of the instrument creating the restrictions, may not be amended without the unanimous consent of all property owners in the affected subdivision or unit or parcel of the subdivision, to specify that the 2000 federal decennial census or a subsequent federal decennial census determines whether a county's population is less than 65,000 for purposes of determining the applicability of the bill's provisions.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.