

AN ACT

relating to the amendment of restrictions affecting real property in certain subdivisions.

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

SECTION 1. Section 211.001(4), Property Code, is amended to read as follows:

(4) "Residential real estate subdivision" or "subdivision" means all land encompassed within one or more maps or plats of land that is divided into two or more parts if:

(A) the maps or plats cover land all or part of which [that] is not located within a municipality and:

(i) for a county with a population of less than 65,000, is not located [~~or~~] within the extraterritorial jurisdiction of a municipality; or

(ii) for a county with a population of at least 65,000 and less than 135,000, is located wholly within the extraterritorial jurisdiction of a municipality;

(B) the land encompassed within the maps or plats is or was burdened by restrictions limiting all or at least a majority of the land area covered by the map or plat, excluding streets and public areas, to residential use only; and

(C) all instruments creating the restrictions are recorded in the deed or real property records of a county.

SECTION 2. Section 211.002, Property Code, is amended by

1 amending Subsection (a) and adding Subsections (b-1) and (d) to
2 read as follows:

3 (a) This chapter applies only to a residential real estate
4 subdivision or any unit or parcel of a subdivision:

5 (1) all or part of which is located [~~in whole or in~~
6 ~~part~~] within an unincorporated area of a county if the county has a
7 population of less than 65,000; or

8 (2) all of which is located within the
9 extraterritorial jurisdiction of a municipality located in a county
10 that has a population of at least 65,000 and less than 135,000.

11 (b-1) In addition to restrictions and units or parcels of a
12 subdivision that are subject to this chapter under Subsection (b),
13 this chapter applies to restrictions that affect real property
14 within a residential real estate subdivision or any units or
15 parcels of the subdivision and that, by the express terms of the
16 instrument creating the restrictions, provide that amendments to
17 the restrictions are not operative or effective until a specified
18 date or the expiration of a specified period. An amendment under
19 this chapter of a restriction described by this subsection is
20 effective as provided by this chapter, regardless of whether the
21 date specified in the restrictions has occurred or the period
22 prescribed by the restrictions has expired. This subsection
23 expires September 1, 2015.

24 (d) An amendment of a restriction under this chapter is
25 effective on the filing of an instrument reflecting the amendment
26 in the real property records of each county in which all or part of
27 the subdivision is located after the approval of the owners in

1 accordance with the amendment procedure adopted under Section
2 211.004.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 232 was passed by the House on April 26, 2011, by the following vote: Yeas 147, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 232 on May 27, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 232 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor