

1-1 By: White, Kuempel (Senate Sponsor - Ogden) H.B. No. 232
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 2, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2011, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 232 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the amendment of restrictions affecting real property
1-11 in certain subdivisions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 211.001(4), Property Code, is amended to
1-14 read as follows:

1-15 (4) "Residential real estate subdivision" or
1-16 "subdivision" means all land encompassed within one or more maps or
1-17 plats of land that is divided into two or more parts if:

1-18 (A) the maps or plats cover land all or part of
1-19 which ~~that~~ is not located within a municipality and:

1-20 (i) for a county with a population of less
1-21 than 65,000, is not located ~~or~~ within the extraterritorial
1-22 jurisdiction of a municipality; or

1-23 (ii) for a county with a population of at
1-24 least 65,000 and less than 135,000, is located wholly within the
1-25 extraterritorial jurisdiction of a municipality;

1-26 (B) the land encompassed within the maps or plats
1-27 is or was burdened by restrictions limiting all or at least a
1-28 majority of the land area covered by the map or plat, excluding
1-29 streets and public areas, to residential use only; and

1-30 (C) all instruments creating the restrictions
1-31 are recorded in the deed or real property records of a county.

1-32 SECTION 2. Section 211.002, Property Code, is amended by
1-33 amending Subsection (a) and adding Subsections (b-1) and (d) to
1-34 read as follows:

1-35 (a) This chapter applies only to a residential real estate
1-36 subdivision or any unit or parcel of a subdivision:

1-37 (1) all or part of which is located ~~[in whole or in~~
1-38 ~~part]~~ within an unincorporated area of a county if the county has a
1-39 population of less than 65,000; or

1-40 (2) all of which is located within the
1-41 extraterritorial jurisdiction of a municipality located in a county
1-42 that has a population of at least 65,000 and less than 135,000.

1-43 (b-1) In addition to restrictions and units or parcels of a
1-44 subdivision that are subject to this chapter under Subsection (b),
1-45 this chapter applies to restrictions that affect real property
1-46 within a residential real estate subdivision or any units or
1-47 parcels of the subdivision and that, by the express terms of the
1-48 instrument creating the restrictions, provide that amendments to
1-49 the restrictions are not operative or effective until a specified
1-50 date or the expiration of a specified period. An amendment under
1-51 this chapter of a restriction described by this subsection is
1-52 effective as provided by this chapter, regardless of whether the
1-53 date specified in the restrictions has occurred or the period
1-54 prescribed by the restrictions has expired. This subsection
1-55 expires September 1, 2015.

1-56 (d) An amendment of a restriction under this chapter is
1-57 effective on the filing of an instrument reflecting the amendment
1-58 in the real property records of each county in which all or part of
1-59 the subdivision is located after the approval of the owners in
1-60 accordance with the amendment procedure adopted under Section
1-61 211.004.

1-62 SECTION 3. This Act takes effect immediately if it receives
1-63 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this
2-2 Act does not receive the vote necessary for immediate effect, this
2-3 Act takes effect September 1, 2011.

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