

By: Paxton

H.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to the prohibition of certain fees for a future transfer of residential real property.

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

SECTION 1. Section 5.017(c), Property Code, is amended to read as follows:

(c) This section does not apply to a deed restriction 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

(C) [~~(3)~~] a governmental entity; 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 490,000 that is adjacent to:

(A) a county in this state that borders Oklahoma;
and

(B) a county not described by Paragraph (A) that has a population of at least two million.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.