

By: Kuempel

H.B. No. 2241

A BILL TO BE ENTITLED

AN ACT

relating to amendment of restrictions in certain residential real estate 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(a), Property Code, is amended to

1 read as follows:

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

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

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

10 SECTION 3. This Act takes effect September 1, 2011.