

SENATE AMENDMENTS

2nd Printing

By: White, Kuempel

H.B. No. 232

A BILL TO BE ENTITLED

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 Subsections (a) and (b) and adding Subsections (d) and (e)
2 to 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) This chapter applies only to restrictions that affect
12 real property within a residential real estate subdivision or any
13 units or parcels of the subdivision and that, by the express terms
14 of the instrument creating the restrictions:

15 (1) are not subject to a procedure by which the
16 restrictions may be amended; ~~or~~

17 (2) may not be amended without the unanimous consent
18 of:

19 (A) all property owners in the subdivision; or

20 (B) all property owners in any unit or parcel of
21 the subdivision; or

22 (3) provide that amendments to the restrictions are
23 not operative or effective until a specified date or the expiration
24 of a specified period.

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

1 the subdivision is located after the approval of the owners in
2 accordance with the amendment procedure adopted under Section
3 211.004.

4 (e) An amendment under this chapter of a restriction
5 described by Subsection (b)(3) is effective as provided by this
6 chapter, regardless of whether the date specified in the
7 restrictions has occurred or the period prescribed by the
8 restrictions has expired.

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

By: White (sp: Ogden)
Substitute the following for H.B. No. 232 :
By: Phil Lee N. N.S.

ADOPTED
MAY 25 2011
No. 232
Adrian G. Brown
Secretary of the Senate
C.S.H.B. No. 232

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

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

24 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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB232 by White (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, KKR, SZ, JB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB232 by White (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, SZ, JB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 10, 2011

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB232 by White (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, SZ, JB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

TO: Honorable Rene Oliveira, Chair, House Committee on Land & Resource Management

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB232 by White (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, JB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 24, 2011

TO: Honorable Rene Oliveira, Chair, House Committee on Land & Resource Management

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB232 by White (Relating to the amendment of restrictions affecting real property in certain subdivisions.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SZ, TP