

1-1 By: Miles S.B. No. 1845  
 1-2 (In the Senate - Filed March 7, 2019; March 18, 2019, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 15, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 15, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1845 By: Whitmire

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the amendment of the dedicatory instruments of certain  
 1-22 mixed-use real estate developments.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 11, Property Code, is amended by adding  
 1-25 Chapter 214 to read as follows:

1-26 CHAPTER 214. AMENDMENT OF DEDICATORY INSTRUMENTS OF CERTAIN  
 1-27 MIXED-USE REAL ESTATE DEVELOPMENTS

1-28 Sec. 214.001. DEFINITIONS. In this chapter:

1-29 (1) "Declaration" means an instrument filed in the  
 1-30 real property records of a county that includes restrictive  
 1-31 covenants governing a real estate development.

1-32 (2) "Dedicatory instrument" has the meaning assigned  
 1-33 by Section 202.001.

1-34 (3) "Mixed-use real estate development" means a real  
 1-35 estate development that includes commercial properties, including  
 1-36 hotel and retail properties, and that may include other real estate  
 1-37 uses.

1-38 (4) "Property owners' association" has the meaning  
 1-39 assigned by Section 202.001.

1-40 Sec. 214.002. APPLICABILITY OF CHAPTER. (a) This chapter  
 1-41 applies only to a mixed-use real estate development:

1-42 (1) that is located in a county with a population of  
 1-43 3.3 million or more; and

1-44 (2) in which property owners are subject to mandatory  
 1-45 membership in a property owners' association.

1-46 (b) This chapter applies to a dedicatory instrument  
 1-47 regardless of the date on which the dedicatory instrument was  
 1-48 created.

1-49 Sec. 214.003. AMENDMENT OF DEDICATORY INSTRUMENT.

1-50 (a) This section supersedes any conflicting requirement in a  
 1-51 dedicatory instrument of a mixed-use real estate development.

1-52 (b) To the extent of any conflict with another provision of  
 1-53 this title, this section prevails.

1-54 (c) Except as provided by Subsection (d), a declaration of a  
 1-55 mixed-use real estate development may be amended only by a vote of a  
 1-56 majority of the total votes allocated to property owners entitled  
 1-57 to vote on the amendment of the declaration.

1-58 (d) If the declaration contains a lower approval  
 1-59 requirement than prescribed by Subsection (c), the approval  
 1-60 requirement in the declaration controls. If the declaration is

2-1 silent as to voting rights for an amendment, the declaration may be  
2-2 amended by a vote of a majority of the total votes allocated to  
2-3 property owners entitled to vote on the amendment of the  
2-4 declaration.

2-5 (e) A bylaw of a mixed-use real estate development may not  
2-6 be amended to conflict with this section.

2-7 SECTION 2. This Act takes effect September 1, 2019.

2-8 \* \* \* \* \*