

By: Wu

H.B. No. 485

A BILL TO BE ENTITLED

AN ACT

relating to the removal of certain unconstitutional provisions from  
real property records.

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

SECTION 1. Chapter 11, Property Code, is amended by adding  
Section 11.009 to read as follows:

Sec. 11.009. REMOVAL OF UNCONSTITUTIONAL PROVISIONS FROM  
REAL PROPERTY RECORDS. (a) To the extent of any conflict between  
this section and other law, this section prevails.

(b) An owner of real property may petition to remove from a  
recorded instrument affecting or conveying an interest in the  
property a provision that:

(1) violates the United States Constitution;

(2) is unenforceable under law; and

(3) is unambiguously discriminatory.

(c) A petition under this section must be filed in a  
district court of the county in which the instrument is recorded.

(d) A court may not charge a fee for filing a petition under  
this section.

(e) On finding that a provision identified in a petition  
under this section satisfies the criteria under Subsection (b), the  
court shall enter a judgment ordering the county clerk to remove the  
provision from the recorded instrument.

SECTION 2. This Act takes effect September 1, 2021.