

By: Murphy

H.B. No. 1659

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amendment of a residential subdivision's
3 declaration to affect certain types of property located in the
4 subdivision.

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

6 SECTION 1. Section 209.0041, Property Code, is amended by
7 adding Subsection (d-1) to read as follows:

8 (d-1) This section does not apply to an amendment of a
9 declaration if the amendment would affect a portion of a
10 subdivision that is zoned for or that contains a commercial
11 structure, an industrial structure, an apartment complex, or a
12 condominium as defined by Section 81.002 or 82.003. For purposes of
13 this subsection, "apartment complex" means two or more dwellings in
14 one or more buildings that are owned by the same owner, located on
15 the same lot or tract, and managed by the same owner, agent, or
16 management company.

17 SECTION 2. Section 209.0041(d-1), Property Code, as added
18 by this Act, applies only to a vote to amend a declaration held on or
19 after the effective date of this Act. A vote to amend a declaration
20 held before the effective date of this Act is governed by the law as
21 it existed immediately before that date, and that law is continued
22 in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2021.