

1-1 By: Murphy (Senate Sponsor - Creighton) H.B. No. 1659  
1-2 (In the Senate - Received from the House May 3, 2021;  
1-3 May 10, 2021, read first time and referred to Committee on Business  
1-4 & Commerce; May 21, 2021, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 21, 2021, 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 H.B. No. 1659 By: Hancock

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

1-21 relating to the amendment of a residential subdivision's  
1-22 declaration to affect certain types of property located in the  
1-23 subdivision.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 209.0041, Property Code, is amended by  
1-26 adding Subsection (d-1) to read as follows:

1-27 (d-1) This section does not apply to an amendment of a  
1-28 declaration if the amendment would affect a portion of a  
1-29 subdivision that is zoned for or that contains, or previously  
1-30 contained as specifically allowed under the declaration, a  
1-31 commercial structure, an industrial structure, an apartment  
1-32 complex, or a condominium as defined by Section 81.002 or 82.003.  
1-33 For purposes of this subsection, "apartment complex" means two or  
1-34 more dwellings in one or more buildings that are owned by the same  
1-35 owner, located on the same lot or tract, and managed by the same  
1-36 owner, agent, or management company.

1-37 SECTION 2. Section 209.0041(d-1), Property Code, as added  
1-38 by this Act, applies only to a vote to amend a declaration held on or  
1-39 after the effective date of this Act. A vote to amend a declaration  
1-40 held before the effective date of this Act is governed by the law as  
1-41 it existed immediately before that date, and that law is continued  
1-42 in effect for that purpose.

1-43 SECTION 3. This Act takes effect immediately if it receives  
1-44 a vote of two-thirds of all the members elected to each house, as  
1-45 provided by Section 39, Article III, Texas Constitution. If this  
1-46 Act does not receive the vote necessary for immediate effect, this  
1-47 Act takes effect September 1, 2021.

1-48 \* \* \* \* \*