

By: Leach

H.B. No. 2591

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.