

By: Hughes

S.B. No. 222

A BILL TO BE ENTITLED

AN ACT

relating to the removal of certain discriminatory restrictions and provisions from certain real property records.

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

SECTION 1. Subchapter B, Chapter 5, Property Code, is amended by adding Section 5.0265 to read as follows:

Sec. 5.0265. REMOVAL OF DISCRIMINATORY RESTRICTIONS OR PROVISIONS FROM CERTAIN 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 or an interest in real property may request, on a form developed under Subsection (d), that the county clerk of a county in which all or part of the property is located:

(1) remove from any instrument recorded in the county's real property records a restriction, whether express or incorporated by reference, that affects the property and that is void under Section 5.026(a); or

(2) remove from the deed that conveyed the property or the interest in the property a provision, whether express or incorporated by reference, that is void under Section 5.026(a).

(c) Not later than the 30th day after the date a county clerk receives a request under Subsection (b), the county clerk shall determine whether the restriction or provision identified in the

1 request is void under Section 5.026(a) and:

2 (1) if the county clerk determines the restriction or
3 provision identified in the request is void under Section 5.026(a):

4 (A) remove the restriction from the instrument or
5 the provision from the deed, as applicable; and

6 (B) attach to the instrument or deed, as
7 applicable, a document stating that a restriction or provision
8 void under Section 5.026 has been removed from the instrument or
9 deed; or

10 (2) if the county clerk determines the restriction or
11 provision identified in the request is not void under Section
12 5.026(a), notify the person who submitted the request that the
13 restriction or provision has not been removed.

14 (d) The attorney general shall develop the form required by
15 Subsection (b). The form must allow the person requesting the
16 removal of a restriction or provision under this section to
17 provide:

18 (1) the name of the owner of the property or interest
19 in the property that is the subject of the request;

20 (2) a description of the property sufficient for a
21 county clerk to identify the recorded instrument or deed that is the
22 subject of the request, including the address of the property, if
23 any; and

24 (3) the restriction or provision the owner believes is
25 void under Section 5.026(a).

26 (e) Each county clerk shall make the form developed under
27 Subsection (d) available on the county clerk's Internet website.

1 SECTION 2. Not later than December 1, 2021, the office of
2 the attorney general shall develop and make available to each
3 county clerk the form required by Section 5.0265(d), Property Code,
4 as added by this Act.

5 SECTION 3. (a) Except as provided by Subsection (b) of this
6 section, this Act takes effect January 1, 2022.

7 (b) Section 2 of this Act takes effect September 1, 2021.