

**House Bill 1659**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SENATE VERSION (CS)

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

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

SECTION 2. Same as House version.

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

CONFERENCE