

By: Burns

H.B. No. 1786

Substitute the following for H.B. No. 1786:

By: Frazier

C.S.H.B. No. 1786

A BILL TO BE ENTITLED

AN ACT

relating to the amendment of restrictive covenants of certain residential subdivisions.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.024 to read as follows:

Sec. 202.024. RESIDENTIAL SUBDIVISION WITHOUT MANDATORY PROPERTY OWNERS' ASSOCIATION. (a) In this section, "dedicatory instrument" includes a deed containing a restrictive covenant.

(b) This section applies only to residential subdivisions whose dedicatory instruments do not require membership in a property owners' association.

(c) The dedicatory instruments of a residential subdivision described by Subsection (b) may not be amended unless notice of the proposed amendment is provided by certified mail, return receipt requested, to each property owner in the residential subdivision, at the owner's mailing address according to the records of the appraisal district in which the property is located. The notice must:

- (1) contain the text of the amendment;
- (2) contain a ballot that the owner may return to an address stated on the ballot in order to cast the owner's vote;
- (3) state a deadline to return the ballot, which may not be less than 60 days after the date the notice is sent; and

1           (4) identify an individual or entity who will tabulate  
2 the ballots and include the individual's or entity's mailing  
3 address.

4           (d) The individual or entity who tabulates the ballots must  
5 retain the ballots for at least 180 days after the deadline provided  
6 by Subsection (c)(3).

7           (e) If within the ballot retention period provided by  
8 Subsection (d), a property owner in the residential subdivision  
9 sends a request by certified mail, return receipt requested, to the  
10 ballot tabulator at the address given under Subsection (c)(4), the  
11 ballot tabulator must provide the owner a copy of all ballots in  
12 electronic or paper form.

13           (f) A dedicatory instrument amendment that receives the  
14 required vote in order to be adopted in accordance with the terms of  
15 the dedicatory instrument may not be filed of record until the 30th  
16 day after the expiration of the ballot retention period provided by  
17 Subsection (d).

18           (g) This section supersedes any contrary requirement in a  
19 dedicatory instrument.

20           SECTION 2. This Act takes effect September 1, 2023.