By: Schoolcraft H.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Title 11, Property Code, is amended by adding Chapter 213 to read as follows:

CHAPTER 213. AMENDMENT OF RESTRICTIONS APPLICABLE TO CERTAIN MULTI-ZONED SUBDIVISIONS

Sec. 213.001. DEFINITIONS. In this chapter:

(1) "Lot" means any designated parcel of land located in a subdivision.

(2) "Multi-zoned subdivision" means a subdivision:

(A) that:

(i) was platted before 1965;

(ii) has more than 900 lots; and

(iii) is located in two or more separately incorporated municipalities; and

(B) at least one portion of the plat of which is zoned for a use other than a use permitted by the applicable restrictions.

(3) "Real property records" and "restrictions" have the meanings assigned by Section 201.003.

Sec. 213.002. APPLICABILITY. This chapter applies only to a multi-zoned subdivision located wholly or partly in a

municipality:

(1) with a population of 30,000 or more; and

(2) located in at least three counties.

Sec. 213.003. AMENDMENT OF RESTRICTIONS. (a) Notwithstanding any other law, restrictions applicable to property in a multi-zoned subdivision may be amended as provided by this chapter.

(b) An amendment under this chapter may apply to all or part of the subdivision. Restrictions may be amended under this chapter to affect different portions of the subdivision differently.

(c) An amendment approved under this chapter is effective and applies to each separately owned lot in the area designated as subject to the amendment.

Sec. 213.004. VOTE REQUIRED. (a) An amendment of restrictions under this chapter must be approved by the owners of at least 67 percent of the lots in the area of the subdivision designated in the relevant ballot as subject to the proposed amendment.

(b) Only one vote may be cast for each lot. The vote of multiple owners of a property may be reflected by the signature or vote of one of the owners.

Sec. 213.005. BALLOT REQUIREMENTS. (a) A ballot for a vote under this chapter must:

(1) be in writing;

(2) state the substance of the proposed amendment of the restrictions;

(3) designate the area of the subdivision to which the

proposed amendment applies; and

(4) specify the date by which the ballot must be returned to be counted.

(b) A ballot for a vote under this chapter must be mailed to each owner of a lot in the area of the subdivision to which the proposed amendment applies at the address shown in the online records of the appraisal district in which the lot is located.

(c) Before a vote is held under this section, a copy of the ballot must be recorded in the real property records of each county in which the subdivision is located.

Sec. 213.006. CERTIFICATION OF VOTE; RECORDING REQUIRED. (a) If an amendment of the restrictions of a subdivision is approved under this chapter, a document certifying the approval must be recorded in the real property records of each county in which the subdivision is located.

(b) A document filed under this section is prima facie evidence that the required vote was attained and the required procedures for the vote were followed.

Sec. 213.007. CLAIM OF LACK OF MUTUALITY PROHIBITED. If an amendment of a subdivision's restrictions is approved under this chapter, an owner of property within the subdivision to which the amended restrictions apply may not claim in any judicial proceeding that the amendment is not enforceable on the grounds that the amendment is not applicable to all of the property in the subdivision.

SECTION 2. Chapter 213, Property Code, as added by this Act, applies to a restrictive covenant enacted before, on, or after the

effective date of this Act.

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, 2027.