

1-1 By: Nichols S.B. No. 1852
 1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 April 15, 2015, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0, 2 present not voting; April 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11				X
1-12	X			
1-13			X	
1-14				X
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the adoption of an amendment procedure for restrictive
 1-20 covenants affecting real property in certain residential
 1-21 subdivisions.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 211.002(a), (b), and (b-1), Property
 1-24 Code, are amended to read as follows:

1-25 (a) This chapter applies only to a residential real estate
 1-26 subdivision or any unit or parcel of a subdivision:

1-27 (1) all or part of which is located within an
 1-28 unincorporated area of a county if the county has a population of
 1-29 less than 65,000;

1-30 (2) all of which is located within the
 1-31 extraterritorial jurisdiction of a municipality located in a county
 1-32 that has a population of at least 65,000 and less than 135,000; ~~or~~

1-33 (3) all of which is located within the
 1-34 extraterritorial jurisdiction of a municipality located in a county
 1-35 that borders Lake Buchanan and has a population of at least 18,500
 1-36 and less than 19,500; or

1-37 (4) all or part of which is located within a county
 1-38 that borders Lake Livingston and has a population of less than
 1-39 50,000.

1-40 (b) This chapter applies only to restrictions that affect
 1-41 real property within a residential real estate subdivision or any
 1-42 units or parcels of the subdivision and that, by the express terms
 1-43 of the instrument creating the restrictions:

1-44 (1) are not subject to a procedure by which the
 1-45 restrictions may be amended; ~~or~~

1-46 (2) may not be amended without the unanimous consent
 1-47 of:

1-48 (A) all property owners in the subdivision; or

1-49 (B) all property owners in any unit or parcel of
 1-50 the subdivision; or

1-51 (3) may not be amended without a written instrument
 1-52 that is:

1-53 (A) signed by a majority or more than a majority
 1-54 of the owners of the lots in the subdivision; and

1-55 (B) filed in the real property records of each
 1-56 county in which all or part of the subdivision is located.

1-57 (b-1) In addition to restrictions and units or parcels of a
 1-58 subdivision that are subject to this chapter under Subsection (b),
 1-59 this chapter applies to restrictions that affect real property
 1-60 within a residential real estate subdivision or any units or
 1-61 parcels of the subdivision and that, by the express terms of the

2-1 instrument creating the restrictions, provide that amendments to
2-2 the restrictions are not operative or effective until a specified
2-3 date or the expiration of a specified period. An amendment under
2-4 this chapter of a restriction described by this subsection is
2-5 effective as provided by this chapter, regardless of whether the
2-6 date specified in the restrictions has occurred or the period
2-7 prescribed by the restrictions has expired. This subsection
2-8 expires September 1, 2019 [~~2015~~].

2-9 SECTION 2. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2015.

2-14

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