

1-1 By: West, et al. S.B. No. 30
1-2 (In the Senate - Filed March 8, 2021; March 9, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 March 17, 2021, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 17, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

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

1-19 relating to the removal of certain discriminatory restrictions and
1-20 provisions from certain real property records.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 5, Property Code, is
1-23 amended by adding Section 5.0265 to read as follows:

1-24 Sec. 5.0265. REMOVAL OF DISCRIMINATORY RESTRICTIONS OR
1-25 PROVISIONS FROM CERTAIN REAL PROPERTY RECORDS. (a) To the extent
1-26 of any conflict between this section and other law, this section
1-27 prevails.

1-28 (b) An owner of real property or an interest in real
1-29 property may request, on a form developed under Subsection (d),
1-30 that the county clerk of a county in which all or part of the
1-31 property is located:

1-32 (1) remove from any instrument recorded in the
1-33 county's real property records a restriction, whether express or
1-34 incorporated by reference, that affects the property and that is
1-35 void under Section 5.026(a); or

1-36 (2) remove from the deed that conveyed the property or
1-37 the interest in the property a provision, whether express or
1-38 incorporated by reference, that is void under Section 5.026(a).

1-39 (c) Not later than the 30th day after the date a county clerk
1-40 receives a request under Subsection (b), the county clerk shall
1-41 determine whether the restriction or provision identified in the
1-42 request is void under Section 5.026(a) and:

1-43 (1) if the county clerk determines the restriction or
1-44 provision identified in the request is void under Section 5.026(a):

1-45 (A) remove the restriction from the instrument or
1-46 the provision from the deed, as applicable; and

1-47 (B) attach to the instrument or deed, as
1-48 applicable, a document stating that a restriction or provision void
1-49 under Section 5.026 has been removed from the instrument or deed; or

1-50 (2) if the county clerk determines the restriction or
1-51 provision identified in the request is not void under Section
1-52 5.026(a), notify the person who submitted the request that the
1-53 restriction or provision has not been removed.

1-54 (d) The attorney general shall develop the form required by
1-55 Subsection (b). The form must allow the person requesting the
1-56 removal of a restriction or provision under this section to
1-57 provide:

1-58 (1) the name of the owner of the property or interest
1-59 in the property that is the subject of the request;

1-60 (2) a description of the property sufficient for a
1-61 county clerk to identify the recorded instrument or deed that is the

2-1 subject of the request, including the address of the property, if
2-2 any; and

2-3 (3) the restriction or provision the owner believes is
2-4 void under Section 5.026(a).

2-5 (e) Each county clerk shall make the form developed under
2-6 Subsection (d) available on the county clerk's Internet website.

2-7 SECTION 2. Not later than December 1, 2021, the office of
2-8 the attorney general shall develop and make available to each
2-9 county clerk the form required by Section 5.0265(d), Property Code,
2-10 as added by this Act.

2-11 SECTION 3. (a) Except as provided by Subsection (b) of
2-12 this section, this Act takes effect January 1, 2022.

2-13 (b) Section 2 of this Act takes effect September 1, 2021.

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