

BILL ANALYSIS

Senate Research Center
81R26847 AJA-D

H.B. 3287
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill resolves a problem that occurs when different sections or phases of a subdivision develop at different times so that their deed restrictions cannot be amended collectively or contemporaneously under current law.

H.B. 3287 amends current law relating to the amendment of restrictions affecting real property in certain subdivisions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 211.002, Property Code, by amending Subsection (b) and adding Subsections (d) and (e), as follows:

(b) Provides that this chapter applies only to restrictions that affect real property within a residential real estate subdivision or any units or parcels of the subdivision and that, by the express terms of the instrument creating the restrictions, provide that amendments to the restrictions are not operative or effective until a specified date or the expiration of a specified time period.

(d) Provides that an amendment of a restriction under this chapter is effective on the filing of an instrument reflecting the amendment in the real property records of each county in which all or part of the subdivision is located after the approval of the owners in accordance with the amendment procedure adopted under Section 211.004 (Creation or Modification of Procedure to Amend Restrictions).

(e) Provides that an amendment under this chapter of a restriction described by Subsection (b)(3) is effective as provided by this chapter, regardless of whether the date specified in the restrictions has occurred or the time prescribed by the restrictions has expired.

SECTION 2. Effective date: upon passage or September 1, 2009.