

BILL ANALYSIS

S.B. 1852
By: Nichols
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that it can be difficult for a homeowners' association to address changes needed to carry out the association's responsibilities in certain residential subdivisions whose covenants and restrictions are antiquated and outdated and further assert that the process for amending such restrictive covenants is too vague as to when an amendment becomes operative or effective. S.B. 1852 seeks to address this issue by amending the applicable law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1852 amends the Property Code to expand the applicability of statutory provisions regarding the amendment and enforcement of restrictions in certain residential subdivisions to include a residential real estate subdivision or any unit or parcel of a subdivision all or part of which is located within a county that borders Lake Livingston and has a population of less than 50,000. The bill expands the conditions under which such statutory amendment and enforcement of restriction provisions apply to restrictions that affect real property within a residential real estate subdivision or any units or parcels of the subdivision to include the condition that the express terms of the instrument creating the restrictions may not be amended without a written instrument that is signed by a majority or more than a majority of the owners of the lots in the subdivision and filed in the real property records of each county in which all or part of the subdivision is located.

S.B. 1852 postpones from September 1, 2015, to September 1, 2019, the expiration date of a provision subjecting additional restrictions and units or parcels of a subdivision to statutory provisions regarding the amendment and enforcement of restrictions in certain residential subdivisions, described as 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 the amendments to the restrictions are not operative or effective until a specified date or the expiration of a specified period, and a provision providing that an amendment of such a restriction is effective, regardless of whether the date specified in the restrictions has occurred or the period prescribed by the restrictions has expired.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.