

BILL ANALYSIS

Senate Research Center

S.B. 94
By: Patterson
Jurisprudence
1-27-97
As Filed

DIGEST

Currently, a small subdivision in Brazoria County called Demi John Island is attempting to change deed restrictions for the subdivision. The property owners association may not extend or renew deed restrictions without 100 percent of the property owners approval. Because of the length of time the subdivision has existed, several landowners have moved or cannot be located, thereby preventing the deed restriction changes. This bill allows for changes to be made which are consistent with counties of similar populations.

PURPOSE

As proposed, S.B. 94 provides additional regulations for subdivisions including the creation, extension, or modification of deed restrictions applicable to certain residential real estate subdivisions.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.001(a), Property Code, to provide that this chapter applies to a residential real estate subdivision that is located in whole or in part in the unincorporated area of a county having a population of 190,000 or more that is adjacent to a county having a population of 2,400,000 or more. Makes nonsubstantive changes.

SECTION 2. Amends Section 201.001(c), Property Code, to provide that a subdivision is excluded under this subsection regardless of whether a provision in the restrictions requires the consent of the developer of the subdivision or an architectural control committee for an addition to or modification of the restrictions.

SECTION 3. Amends Chapter 201, Chapter Code, by adding Section 201.0051, as follows:

Sec. 201.0051. SPECIAL PETITION APPROVAL REQUIRED FOR CERTAIN RESTRICTIONS. Provides that a right created or an obligation imposed by an existing restriction that relates to the developer of the subdivision or an architectural control committee established by the instrument creating the restriction cannot be altered unless the person who has the right or obligation signs and acknowledges the petition.

SECTION 4. Emergency clause.
Effective date: upon passage.