

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT
2 relating to amendment of restrictions imposing regular assessments
3 in certain residential real estate subdivisions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Title 11, Property Code, is amended by adding
6 Chapter 206A to read as follows:

7 CHAPTER 206A. AMENDMENT OF RESTRICTIONS IMPOSING REGULAR
8 ASSESSMENTS IN CERTAIN SUBDIVISIONS

9 Sec. 206A.001. DEFINITIONS. In this chapter:

10 (1) "Community association" and "regular assessment"
11 have the meanings assigned by Section 206.001.

12 (2) "Owner," "real property records," "residential
13 real estate subdivision," and "restrictions" have the meanings
14 assigned by Section 201.003.

15 Sec. 206A.002. APPLICABILITY OF CHAPTER. This chapter
16 applies only to a residential real estate subdivision that:

17 (1) consists of at least 4,600 homes;

18 (2) is located in whole or in part in a municipality
19 with a population of more than 1.6 million located in a county with
20 a population of 2.8 million or more; and

21 (3) has restrictions that:

22 (A) impose a regular assessment; and

23 (B) do not provide for an amendment of the
24 restrictions to increase the amount of the regular assessment above

1 a rate specified by the restrictions.

2 Sec. 206A.003. AMENDMENT OF RESTRICTION IMPOSING REGULAR
3 ASSESSMENT. (a) A community association may approve and submit to
4 a vote of the owners an amendment of a restriction imposing a
5 regular assessment to modify the amount of the regular assessment.

6 (b) The amendment of a restriction imposing a regular
7 assessment to modify the amount of the regular assessment is
8 approved if a majority of the owners in the subdivision who vote on
9 the issue in accordance with Section 206A.004 vote in favor of the
10 amendment.

11 (c) An amendment approved in accordance with this section
12 and Section 206A.004 applies to all real property in the
13 subdivision, including residential and commercial property.

14 (d) A document certifying that a majority of the owners
15 voting on the issue approved the amendment of the restriction must
16 be recorded in the real property records of the county in which the
17 subdivision is located.

18 Sec. 206A.004. METHOD OF VOTING. (a) An amendment of a
19 restriction that imposes a regular assessment must be voted on:

20 (1) by a written ballot that states the substance of
21 the amendment and specifies the date by which the community
22 association must receive a ballot for the ballot to be counted; or

23 (2) at a meeting of the property owners in the
24 subdivision.

25 (b) The community association shall provide for mailing to
26 each owner, as applicable:

27 (1) the ballot under Subsection (a)(1); or

1 (2) notice of the meeting under Subsection (a)(2) that
2 states the purpose of the meeting.

3 (c) In conjunction with a vote by ballot or at a meeting
4 under Subsection (a), the community association may provide for
5 circulation of a petition in the subdivision.

6 (d) The vote of multiple owners of a property may be
7 reflected by the signature or vote of one of the owners.

8 (e) The community association shall record a copy of the
9 ballot or petition in the real property records in the county in
10 which the subdivision is located before submission of the amendment
11 to a vote of the owners.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.