

H.B. No. 1659

AN ACT relating to the amendment of a residential subdivision's declaration to affect **certain types of property** located in the subdivision.

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

SECTION 1. Section 209.0041, Property Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) **This section does not apply to an amendment of a declaration if the amendment would affect a portion of a subdivision that is zoned for or that contains, or previously contained as specifically allowed under the declaration, a commercial structure, an industrial structure, an apartment complex, or a condominium as defined by Section 81.002 or 82.003. For purposes of this subsection, "apartment complex" means two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.**

SECTION 2. Section 209.0041(d-1), Property Code, as added by this Act, applies only to a vote to amend a declaration held on or after the effective date of this Act. A vote to amend a declaration held before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1659 was passed by the House on April 30, 2021, by the following vote: Yeas 138, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1659 on May 28, 2021, by the following vote: Yeas 139, Nays 7, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1659 was passed by the Senate, with amendments, on May 27, 2021, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor