PROPERTY CODE

TITLE 11. PROTECTIVE COVENANTS

CHAPTER 201. CONDOMINIUM OR PROPERTY OWNERS ASSOCIATION COVENANTS

Sec. 201.001. DEFINITIONS. In this chapter:

(1) "Association" means a property owners' association or a condominium owners' association.

(2) "Property owners' association" means an association, whether organized as a profit or nonprofit corporation, unincorporated or business trust, or any other legal entity, the purpose of which is to govern, administer, or care for areas that will be owned by persons who, by their ownership or occupancy of property, are members of the association in accordance with a dedatory instrument governing the administration or operation of a property owners' association.

(3) "Property owners' association assessment" means a property owners' association or

Sec. 201.002. APPLICABILITY OF CHAPTER. (a) This chapter applies to a condominium instrument or property owners' association dedatory instrument that:

(1) is recorded on or after the effective date of this chapter; or

(2) is amended on or after the effective date of this chapter if the amendment contains a provision that is inconsistent with a provision of the condominium instrument or property owners' association dedatory instrument that was recorded before the effective date of this chapter.

(b) A property owners' association dedatory instrument is subject to the extent of that property owners' association dedatory instrument's application to the property owners' association.

(c) Subsections (a) and (b) do not apply to a property owners' association dedatory instrument that contains an express provision that this chapter does not apply to the property owners' association dedatory instrument.

(d) This chapter does not affect the requirements of Chapter 171, Civil Practice and Remedies Code.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 28, 1987.

Sec. 201.003. CONSTRUCTION OF CHAPTER. (a) This chapter applies to condominium instruments and property owners' association dedatory instruments.

(b) This chapter does not affect the requirements of Chapter 171, Civil Practice and Remedies Code.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 28, 1987.

Sec. 201.004. CONSTRUCTION OF REPUTATION STATUTES. (a) An association dedatory instrument is liberally construed to give effect to the purposes of this chapter.

(b) Except as provided by Subsection (c), a provision of this chapter is not to be construed to limit the power of a property owners' association or other person to enforce a restrictive covenant, lien, or other provision of a property owners' association dedatory instrument.

(c) Section 201.004, Property Code, is inapplicable to a condominium instrument or property owners' association dedatory instrument that contains an express provision that this chapter does not apply to the property owners' association dedatory instrument.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 28, 1987.

Sec. 201.005. REFERENDUM ON EXTENSION. (a) A signature may be obtained on a petition to extend the time for a property owners' association or condominium owners association to amend its dedatory instrument.

(b) To validate a signature, the signer must signed that the petition was circulated.

(c) To be effective, the petition must be signed by the owners of at least 51 percent of the property in the association.

(d) The petition must be filed with the property owners association or condominium owners association not later than the 30th day after the effective date of this section. The petition must be signed by the owners of at least 51 percent of the property in the association.

(e) The petition must be in the form of a copy of the signature to the petition with the caption of the petition and the date of the petition and the date by the effective date of this chapter, whichever is later.

(f) Notwithstanding any other provision of this chapter, a property owners association or condominium owners association may not amend its dedatory instrument to extend the time for amendment of its dedatory instrument.

(g) The owners of an affirmative referendum request initiative the amendment of the dedatory instrument and petition for the amendment of the dedatory instrument.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 28, 1987.

Sec. 201.006. PUBLIC PROPERTY. (a) A property owners' association or condominium owners association may not place a restrictive covenant on property that is dedicated to the public or that is subject to a public easement or right-of-way.

(b) A property owners' association may continue the type of land use or development that was in place on the property before the dedication or easement.

(c) This section does not:

(1) prohibit a property owners' association from requiring the dedication of property for parks, trails, or other common areas, facilities, or amenities in exchange for a zoning change or a comparable decision of the association does not prohibit the dedication of property for parks, trails, or other common areas, facilities, or amenities in exchange for a zoning change or a comparable decision of the association;

(2) require a property owners' association to operate a device or system for the collection of storm water or other drainage;

(3) impede the property owners' association from exercising its rights under a restrictive covenant or other provision of a dedatory instrument;

(4) impede the property owners' association from requiring the dedication of property for parks, trails, or other common areas, facilities, or amenities in exchange for a zoning change or a comparable decision of the association does not prohibit the dedication of property for parks, trails, or other common areas, facilities, or amenities in exchange for a zoning change or a comparable decision of the association or requirements or conditions for the dedication of property for parks, trails, or other common areas, facilities, or amenities;

(5) prohibit a property owners' association from requiring a property owner to dedicate a reasonable number of feet of roadway right-of-way for ingress and egress to the property or to dedicate a reasonable number of feet of roadway easement for ingress and egress to the property;

(6) prohibit a property owners' association from requiring the dedication of property for a reasonable distance along the front, side, or rear property line of a street or roadway, whichever is a reasonable distance, if the property owner has sufficient property to dedicate the property for a reasonable distance along the front, side, or rear property line of a street or roadway, whichever is a reasonable distance, and still have sufficient property to build a residence on the property in compliance with the association's dedatory instrument.

Added by Acts 1987, 70th Leg., ch. 1, Sec. 1, eff. Sept. 28, 1987.

Sec. 201.007. ENFORCEMENT OF CERTAIN RESTRICTIVE COVENANTS. (a) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

(b) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

(c) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

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(bbbbbbbbb) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

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(iiiiiiiii) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

(jjjjjjjjj) Repealed by Acts 1989, 71st Leg., ch. 1, Sec. 1, eff. September 1, 1989.

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(jjjjjjjjjjj) Repealed by Acts 1989, 71st Leg., ch.

(2) any other federal or state or local housing assistance provided to a person or to a property owner on behalf of a person, including rental vouchers, rental assistance, or rental subsidies from a nongovernmental organization.

(b) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment.

Added by Acts 2023, 88th Leg., R.S., Ch. 987 (H.B. 1193), Sec. 1, eff. September 1, 2023.