



**LEGISLATIVE UPDATE:  
SIGNIFICANT BILLS OF THE 87<sup>TH</sup> TEXAS LEGISLATURE, REGULAR SESSION  
AFFECTING REAL ESTATE, LENDING  
AND OTHER COMMERCIAL MATTERS**

REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE  
REAL ESTATE, PROBATE AND TRUST LAW SECTION  
STATE BAR OF TEXAS  
FINAL REPORT

JUNE 2021

## **TABLE OF CONTENTS**

|      |   |    |
|------|---|----|
| I.   | INTRODUCTION .....                      | 1  |
| II.  | EFFECTIVE DATES.....                    | 1  |
| III. | INTERNET RESOURCES .....                | 1  |
| IV.  | ACKNOWLEDGMENTS .....                   | 2  |
| V.   | SUMMARIES OF NEW LEGISLATION .....      | 3  |
|      | AGRICULTURE CODE .....                  | 3  |
|      | BUSINESS AND COMMERCE CODE.....         | 3  |
|      | BUSINESS ORGANIZATIONS CODE.....        | 5  |
|      | CIVIL PRACTICE AND REMEDIES CODE .....  | 6  |
|      | CONSTITUTION .....                      | 9  |
|      | ESTATES CODE .....                      | 10 |
|      | FINANCE CODE .....                      | 11 |
|      | GOVERNMENT CODE .....                   | 12 |
|      | HEALTH & SAFETY CODE .....              | 19 |
|      | INSURANCE CODE.....                     | 21 |
|      | LABOR CODE.....                         | 24 |
|      | LOCAL GOVERNMENT CODE .....             | 24 |
|      | NATURAL RESOURCES CODE .....            | 30 |
|      | OCCUPATIONS CODE .....                  | 31 |
|      | PARKS & WILDLIFE CODE .....             | 34 |
|      | PENAL CODE.....                         | 34 |
|      | PROPERTY CODE.....                      | 35 |
|      | SPECIAL DISTRICTS LOCAL LAWS CODE ..... | 42 |
|      | TAX CODE .....                          | 43 |
|      | TRANSPORTATION CODE.....                | 50 |
|      | UTILITIES CODE.....                     | 51 |
|      | WATER CODE .....                        | 52 |

## **I. INTRODUCTION**

This is the final report of the Real Estate Legislative Affairs Committee of the Real Estate, Probate and Trust Law Section of the State Bar of Texas (“RELACs”). This report summarizes significant bills passed during the Regular Session of the 87<sup>TH</sup> Texas Legislature affecting real estate, mortgage lending, and other business and commercial issues of interest to Texas real estate law practitioners.

During the Session, Texans’ elected representatives introduced 7,148 bills. Among those bills, RELACs identified over 1,800 to track throughout the Session. From among the bills that were being tracked and passed, RELACs chose for inclusion in this report 206 bills that were believed would be of general interest to practitioners of Texas real estate law.

This report categorizes bill summaries by code in alphabetical order. Some bills may be broad enough in scope to justify placement under multiple codes and/or under multiple titles within a code; however, in the interest of brevity, each bill summary appears in this report only once under the primarily affected code and title. Consequently, we encourage the reader to carefully review the entire report to ensure recognition of every bill of relevance to a particular topic.

Bill captions in this report are copied from the actual legislation. However, neither the bill caption, nor RELACs’ general summary can address all relevant aspects of each bill. Rather, this report serves only to alert the reader to each bill’s general scope and effect. The reader must choose which bills, if any, merit closer scrutiny for their potential effect on his or her practice.

## **II. EFFECTIVE DATES**

Pursuant to Section 39, Article III, of the Texas Constitution, the effective date of acts without specific effective dates (and without provisions for immediate effect) passed by the Legislature in regular session is ninety-one days after adjournment of the regular session. For the 87<sup>TH</sup> Legislature’s Regular Session this date is Monday, August 30, 2021. If, however, a bill has a provision for immediate effect and is passed by

a two-thirds majority in each of the House and Senate, then the bill becomes law immediately upon: (a) the date the Governor signs it, (b) the date the Governor files it with the Secretary of State (with neither signature, nor veto), (c) in the absence of signing or filing, the date the deadline for gubernatorial action expires, or (d) if the Governor vetoes the bill, the date the Legislature overrides the veto.

To reduce the potential for confusion and uncertainty as to effective dates, this report states the earliest effective date for each summarized bill as reported by the Texas Legislative Service on its website. RELACs advises the reader to review these effective dates because a substantial number of bills included in this report have effective dates prior to August 30, 2021. Note as well that different portions of a bill may have different effective dates and the summaries in this report do not necessarily indicate all effective dates within a bill.

## **III. INTERNET RESOURCES**

Bills from the 87<sup>th</sup> Texas Legislature can be accessed the official website for the Texas legislature at:

<http://www.capitol.state.tx.us/>.

Additionally, this report hyperlinks each bill summary to the final, enrolled version of the bill as posted on the Texas Legislature’s website. Simply right-click on the bill number, choose “Open Hyperlink” from the drop-down menu, and the enrolled bill will appear in your web browser.

#### IV. ACKNOWLEDGMENTS

RELACs is almost entirely dependent on volunteer efforts from real estate lawyers across the State. Without these lawyers' collective efforts, this report would not be feasible.

RELACs for the 87<sup>th</sup> Texas Legislature is:

**CHAIR:** John H. "Jack" Miller, III  
*Jack Miller Law, PLLC*  
Houston

**CHAIR**  
**EMERITUS:** Richard A. Crow  
*Clark Hill Strasburger*  
Houston

**VICE CHAIRS**  
**AND EDITORS:** James L. Dougherty, Jr.  
*Attorney at Law*  
Houston

Samantha Dyal  
*Valero Companies*  
San Antonio

Jack P. Turano,  
III *HaynesBoone*  
Houston

**LEGISLATIVE**  
**COUNSEL AND**  
**EDITOR:**

Sarah P. Senterfitt  
*Attorney at Law*  
Austin

**POLITICAL**  
**AFFAIRS**  
**ADVISOR:**

Mark McPherson  
*McPherson Law Firm,*  
*PLLC*  
Dallas

**MEMBERS:**

Claire M Barber  
*Polunsky Beitel Green, LLP*  
Houston

Lorin Williams Combs  
*Winstead PC*  
Austin

Stephen A. Cooney  
*Gray Reed & McGraw LLP*  
Houston

Joseph Goddard  
*Gray Reed & McGraw LLP*  
Dallas

Mark Hines  
*Hines & Maxwell, PLLC*  
Cleburne

Michael A. Jacobs  
*Attorney at Law*  
Houston

Jerry Lott, Jr.  
*Winstead PC*  
Austin

Tom Misteli  
*Law Office of Thomas M.*  
*Misteli, PC*  
Dallas

Lindsey Jandal Postula  
*Gray Reed & McGraw LLP*  
Houston

Cole Robinson  
*Gray Reed & McGraw LLP*  
Dallas

Ashlee E. Ross  
*Real Estate Services, MD*  
*Anderson Cancer Center*  
Houston

Stephen B. "Steve" Schulte  
*MacDonald Companies*  
Kerrville

Jason Smith  
*Norton Rose Fulbright*  
San Antonio

Katherine Van Wagner  
*Latham & Watkins LLP*  
Houston

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Legislative Update

Also available as part of the eCourse

[2021 William W. Gibson, Jr. Mortgage Lending and Servicing eConference](#)

First appeared as part of the conference materials for the  
55<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session  
"Legislative Update"