

By: Bettencourt

S.B. No. 2037

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of platting and subdivisions of land by a municipality or county.

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

SECTION 1. Section 212.003(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate, either directly or indirectly:

(1) the use of any building or property for business, industrial, residential, or other purposes;

(2) the bulk, height, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square

1 footage;

2 (4) the minimum size of a lot, dimensions of a lot,  
3 minimum width of a lot frontage, minimum distance a lot must be set  
4 back from a road or property line, or another component of lot  
5 density on a particular tract of land;

6 (5) the number of residential units that can be built  
7 per acre of land; or

8 (6) ~~(5)~~ the size, type, or method of construction of  
9 a water or wastewater facility that can be constructed to serve a  
10 developed tract of land if ~~+~~

11 ~~(A)~~ the facility meets the minimum standards  
12 established for water or wastewater facilities by state and federal  
13 regulatory entities ~~+, and~~

14 ~~(B) the developed tract of land is:~~

15 ~~(i) located in a county with a population~~  
16 ~~of 2.8 million or more; and~~

17 ~~(ii) served by:~~

18 ~~(a) on-site septic systems~~  
19 ~~constructed before September 1, 2001, that fail to provide adequate~~  
20 ~~services; or~~

21 ~~(b) on-site water wells constructed~~  
22 ~~before September 1, 2001, that fail to provide an adequate supply of~~  
23 ~~safe drinking water].~~

24 SECTION 2. Sections 232.101(a) and (b), Local Government  
25 Code, are amended to read as follows:

26 (a) By an order adopted and entered in the minutes of the  
27 commissioners court and after a notice is published in a newspaper

1 of general circulation in the county, the commissioners court may  
2 adopt rules governing plats and subdivisions of land within the  
3 unincorporated area of the county as authorized by this subchapter  
4 ~~[to promote the health, safety, morals, or general welfare of the~~  
5 ~~county and the safe, orderly, and healthful development of the~~  
6 ~~unincorporated area of the county]~~.

7 (b) A ~~[Unless otherwise authorized by state law, a]~~  
8 commissioners court shall not regulate, either directly or  
9 indirectly ~~[under this section]:~~

10 (1) the use of any building or property for business,  
11 industrial, residential, or other purposes;

12 (2) the bulk, height, or number of buildings  
13 constructed on a particular tract of land;

14 (3) the size of a building that can be constructed on a  
15 particular tract of land, including without limitation and  
16 restriction on the ratio of building floor space to the land square  
17 footage;

18 (4) the minimum size of a lot, dimensions of a lot,  
19 minimum width of a lot frontage, minimum distance a lot must be set  
20 back from a road or property line, or another component of lot  
21 density on a particular tract of land;

22 (5) the number of residential units that can be built  
23 per acre of land;

24 (6) ~~[(5)]~~ a plat or subdivision in an adjoining  
25 county; or

26 (7) ~~[(6)]~~ road access to a plat or subdivision in an  
27 adjoining county.

1           SECTION 3. Sections [232.103](#) and [232.104](#), Local Government  
2 Code, are repealed.

3           SECTION 4. The changes in law made by this Act apply only to  
4 a plat application filed on or after the effective date of this Act.  
5 A plat application filed before the effective date of this Act is  
6 governed by the law in effect on the date the application was filed,  
7 and the former law is continued in effect for that purpose.

8           SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section [39](#), Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2023.