

## **BILL ANALYSIS**

S.B. 535

By: Lucio

Border and International Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas-Mexico border region has been plagued by a rash of unincorporated subdivisions that lack basic services, such as water, wastewater systems, electricity, and paved roads. These areas are commonly known as “colonias.” S.B. 535 would authorize border counties to act in certain ways to prevent the proliferation of colonias.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. S.B. 535 amends the Local Government Code to authorize the commissioners court of the county by order to regulate, by certain measures, residential land development in the unincorporated area of the county to prevent the proliferation of colonias. The bill prohibits the commissioners court from regulating land development on a tract of land appraised as agricultural or open-space. The bill provides that authority granted under this section does not authorize the commissioners court to adopt an order regulating commercial property that is uninhabitable. The bill provides that this chapter only applies to a county that includes territory within 50 miles of an international border.

S.B. 535 requires the county to issue a building permit to an applicant who provides certain information and complies with applicable regulations. The bill authorizes the county to charge a reasonable building permit fee and requires the county to deposit the fee collected under this section in an account in the general fund of the county dedicated to the building permit program. The bill authorizes the funds to be used only for administering the building permit program.

S.B. 535 provides that in a conflict between an order under this subchapter and a municipal ordinance, the municipal ordinance prevails within the municipality’s jurisdiction. S.B. 535 provides that authority granted under this subchapter does not affect the commissioners court’s authority under other law. The bill provides that in a suit in district court the county is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order adopted under this subchapter from continuing or occurring.

S.B. 535 defines an offense under this subchapter and provides that an offense is a Class C misdemeanor. The bill prohibits assessment of a building standards or code violation penalty against an owner-occupant classified as low-income by the Texas Department of Housing and Community Affairs, unless the county provides assistance sufficient to cure the violation. The bill also requires assistance to be a grant or loan on payment terms that do not cause housing expenses to exceed 30 percent of the owner-occupant’s net income.

SECTION 2. S.B. 535 amends the heading to Chapter 232, Local Government Code.

SECTION 3. Effective date.

### **EFFECTIVE DATE**

On passage, or if this Act does not receive the necessary vote, this Act takes effect September 1, 2003.