

By: Geren

H.B. No. 1604

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to county authority to regulate the use, location, and  
3 occupancy of land and buildings for residential purposes; providing  
4 a penalty.

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

6 SECTION 1. Subchapter A, Chapter 231, Local Government  
7 Code, is amended by adding Section 231.002 to read as follows:

8 Sec. 231.002. LOCATION, USE, AND OCCUPANCY REGULATIONS  
9 GENERALLY. (a) If the commissioners court of a county determines  
10 that the public health, safety, morals, and general welfare will be  
11 promoted, the court may regulate the:

12 (1) location, use, and occupancy of housing, including  
13 manufactured housing; and

14 (2) use and occupancy of land for residential  
15 purposes.

16 (b) The authority to regulate under Subsection (a) applies  
17 only to areas outside the corporate limits of municipalities.

18 (c) If a regulation adopted under this section conflicts  
19 with a regulation of a municipality, the regulation of the  
20 municipality prevails within the jurisdiction of the municipality  
21 to the extent of the conflict.

22 (d) The commissioners court may impose a fee on a person for  
23 a county service, including the issuance of a permit, processing of  
24 an application, or performance of an inspection, performed in

1 connection with that person and a regulation adopted under this  
2 section. The amount of the fee may vary depending on the service  
3 performed. The commissioners court shall set the fees in amounts  
4 necessary to cover the cost of administering and enforcing this  
5 section.

6 (e) The county, in a suit brought by the county attorney or  
7 other prosecuting attorney representing the county in the district  
8 court, is entitled to appropriate injunctive relief to prevent the  
9 violation or threatened violation of a regulation adopted under  
10 this section from continuing or occurring.

11 (f) A person commits an offense if the person violates a  
12 restriction or prohibition imposed by a regulation adopted under  
13 this section. An offense under this section is a Class C  
14 misdemeanor.

15 SECTION 2. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2003.