

By: Lucio, Madla

S.B. No. 535

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain counties to regulate land development; providing a penalty.

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

SECTION 1. Chapter 232, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES

Sec. 232.151. APPLICABILITY. This subchapter applies only to a county that includes territory located within 50 miles of an international border.

Sec. 232.152. REGULATORY AUTHORITY. (a) The commissioners court of the county by order may regulate residential land development in the unincorporated area of the county to prevent the proliferation of colonias by:

(1) adopting regulations relating to:

(A) maximum densities, including the size of lots;

(B) the height, number of stories, size, or number of buildings or other structures that may be located on a lot or tract; and

(C) the location of buildings and other structures on a lot or tract; and

(2) adopting building codes to promote safe and uniform building, plumbing, and electrical standards.

1 (b) If a tract of land is appraised as agricultural or
2 open-space land by the appraisal district, the commissioners court
3 may not regulate land development on that tract under the authority
4 granted by Subsection (a)(1)(B), (a)(1)(C), or (a)(2).

5 (c) The authority granted under this section does not
6 authorize the commissioners court to adopt an order regulating
7 commercial property that is uninhabitable.

8 Sec. 232.153. BUILDING PERMITS. (a) The county shall
9 issue a building permit if the person submitting the application
10 for the permit:

11 (1) files information relating to the location of the
12 residence;

13 (2) files the building plans for the residence; and

14 (3) complies with the applicable regulations relating
15 to the issuance of the permit.

16 (b) The county may charge a reasonable building permit fee.

17 (c) The county shall deposit a fee collected under this
18 section in an account in the general fund of the county dedicated to
19 the building permit program. The funds in the account may be used
20 only for the purpose of administering the building permit program.

21 Sec. 232.154. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
22 ORDER. If an order adopted under this subchapter conflicts with an
23 ordinance of a municipality, the municipal ordinance prevails
24 within the municipality's jurisdiction to the extent of the
25 conflict.

26 Sec. 232.155. EXISTING COUNTY AUTHORITY UNAFFECTED. The
27 authority granted by this subchapter does not affect the authority

1 of the commissioners court to adopt an order or ordinance under
2 other law.

3 Sec. 232.156. INJUNCTION. The county, in a suit brought by
4 the county attorney or other prosecuting attorney representing the
5 county in the district court, is entitled to appropriate injunctive
6 relief to prevent the violation or threatened violation of an order
7 adopted under this subchapter from continuing or occurring.

8 Sec. 232.157. PENALTY; EXCEPTION. (a) A person commits an
9 offense if the person violates a restriction or prohibition imposed
10 by an order adopted under this subchapter. An offense under this
11 section is a Class C misdemeanor.

12 (b) If the Texas Department of Housing and Community Affairs
13 classifies a household as a low-income household, a penalty may not
14 be assessed under this section against the owner-occupant of the
15 residential dwelling for a building standards or building code
16 violation relating to the dwelling unless the county makes
17 available to the owner-occupant housing rehabilitation assistance
18 in an amount sufficient to cure the violation. The assistance
19 provided must be a grant or loan and must be on payment terms that do
20 not cause the housing expenses of the owner-occupant to exceed 30
21 percent of the owner-occupant's net income.

22 SECTION 2. The heading to Chapter 232, Local Government
23 Code, is amended to read as follows:

24 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
25 DEVELOPMENT

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.