

By: Lucio

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. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 236 to read as follows:

CHAPTER 236. REGULATION OF LAND DEVELOPMENT IN CERTAIN COUNTIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 236.001. DEFINITIONS. In this chapter:

(1) "International Residential Code" means the International Residential Code for One-Family and Two-Family Dwellings promulgated by the International Code Council.

(2) "Residential" means having the character of a:

(A) detached one-family or two-family dwelling;

or

(B) multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling, and that does not have the character of a:

(i) facility used for the accommodation of transient guests; or

(ii) structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

1       Sec. 236.002. APPLICABILITY. This chapter applies only to  
2 a county that includes territory located within 50 miles of an  
3 international border.

4       [Sections 236.003-236.050 reserved for expansion]

5               SUBCHAPTER B. REGULATORY AUTHORITY

6       Sec. 236.051. REGULATORY AUTHORITY. (a) The commissioners  
7 court of the county by order may regulate residential land  
8 development in the unincorporated area of the county to prevent the  
9 proliferation of colonias by:

10           (1) adopting regulations relating to:

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

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

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

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

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

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

27       Sec. 236.052. RESIDENTIAL BUILDING CODE. (a) If the

1 commissioners court adopts a residential building code, the  
2 commissioners court must:

3 (1) adopt the International Residential Code as it  
4 existed on May 1, 2003; and

5 (2) apply the code to all construction, alteration,  
6 remodeling, enlargement, and repair of residential structures in  
7 the unincorporated area of the county.

8 (b) The commissioners court shall establish procedures to  
9 administer and enforce the International Residential Code if it is  
10 adopted.

11 (c) The commissioners court shall review and consider and  
12 may adopt amendments made by the International Code Council to the  
13 International Residential Code after May 1, 2003.

14 Sec. 236.053. INSPECTIONS OF RESIDENTIAL STRUCTURES. An  
15 inspection of a residential structure in the unincorporated area of  
16 the county must be conducted by a person who:

17 (1) is an inspector certified by the International  
18 Code Council, the Building Officials and Code Administrators  
19 International, Inc., the International Conference of Building  
20 Officials, or the Southern Building Code Congress International,  
21 Inc., or is a licensed professional engineer; and

22 (2) has any other qualifications established by the  
23 county.

24 Sec. 236.054. BUILDING PERMITS. (a) The county shall issue  
25 a building permit if the person submitting the application for the  
26 permit:

27 (1) files information relating to the location of the

1 residence;

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

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

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

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

10 Sec. 236.055. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY  
11 ORDER. If an order adopted under this subchapter conflicts with an  
12 ordinance of a municipality, the municipal ordinance prevails  
13 within the municipality's jurisdiction to the extent of the  
14 conflict.

15 Sec. 236.056. EXISTING COUNTY AUTHORITY UNAFFECTED. The  
16 authority granted by this subchapter does not affect the authority  
17 of the commissioners court to adopt an order or ordinance under  
18 other law.

19 [Sections 236.057-236.100 reserved for expansion]

20 SUBCHAPTER C. ENFORCEMENT

21 Sec. 236.101. INJUNCTION. The county, in a suit brought by  
22 the county attorney or other prosecuting attorney representing the  
23 county in the district court, is entitled to appropriate injunctive  
24 relief to prevent the violation or threatened violation of an order  
25 adopted under this chapter from continuing or occurring.

26 Sec. 236.102. PENALTY; EXCEPTION. (a) A person commits an  
27 offense if the person violates a restriction or prohibition imposed

1 by an order adopted under this chapter. An offense under this  
2 section is a Class C misdemeanor.

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

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