

By: Lucio S.B. No. 535
(In the Senate - Filed February 18, 2003; February 24, 2003,
read first time and referred to Committee on International
Relations and Trade; March 10, 2003, reported adversely, with
favorable Committee Substitute by the following vote: Yeas 6, Nays
0; March 10, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 535 By: Lucio

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.

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

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

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

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

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

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

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

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

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

Sec. 232.155. EXISTING COUNTY AUTHORITY UNAFFECTED. The
authority granted by this subchapter does not affect the authority
of the commissioners court to adopt an order or ordinance under
other law.

Sec. 232.156. INJUNCTION. The county, in a suit brought by
the county attorney or other prosecuting attorney representing the

county in the district court, is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order adopted under this subchapter from continuing or occurring.

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

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

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

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

* * * * *