

By: Wentworth

S.B. No. 1014

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to the regulation of the subdivision of land under the jurisdiction of counties.

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

SECTION 1. Subsection (a), Section 232.022, Local Government Code, is amended to read as follows:

(a) This subchapter applies only to:

(1) a county any part of which is located within 50 miles of an international border; or

(2) a county in which an election has been held under Section 232.0221 on the question of whether the county shall operate under this subchapter and the majority of the votes cast in the election were in the affirmative.

SECTION 2. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.0221 to read as follows:

Sec. 232.0221. ELECTION. (a) The commissioners court of a county may order and hold an election in the county on the question of granting the commissioners court the authority to regulate the subdivision of land under this subchapter.

(b) For an election under this section, the ballot shall be prepared to permit voting for or against the proposition: "Granting (name of county) the authority to regulate the subdivision of land in the unincorporated area of the county."

SECTION 3. Subchapter B, Chapter 232, Local Government

1 Code, is amended by adding Section 232.0225 to read as follows:

2 Sec. 232.0225. MINIMUM STATE STANDARDS. (a) To the extent
3 this subchapter refers to minimum state standards or refers to the
4 application of a provision of Chapter 16, Water Code, the
5 references apply to all counties regardless of any limitation
6 established by Chapter 16, Water Code, including the limitation
7 established by Section 16.343(f), Water Code.

8 (b) This section and the other provisions of this subchapter
9 do not authorize a county to participate in any financial
10 assistance program or any other program authorized by Chapter 15,
11 16, or 17, Water Code, unless the county qualifies under the Water
12 Code.

13 SECTION 4. Section 232.025, Local Government Code, is
14 amended to read as follows:

15 Sec. 232.025. SUBDIVISION REQUIREMENTS. By an order
16 adopted and entered in the minutes of the commissioners court, and
17 after a notice is published in English and Spanish in a newspaper of
18 general circulation in the county, the commissioners court shall
19 for each subdivision:

20 (1) require a right-of-way on a street or road that
21 functions as a main artery in a subdivision, of a width of not less
22 than 50 feet or more than 100 feet;

23 (2) require a right-of-way on any other street or road
24 in a subdivision of not less than 40 feet or more than 70 feet;

25 (3) require that the shoulder-to-shoulder width on
26 collectors or main arteries within the right-of-way be not less
27 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder

1 width on any other street or road be not less than 25 feet or more
2 than 35 feet;

3 (4) adopt, based on the amount and kind of travel over
4 each street or road in a subdivision, reasonable specifications
5 relating to the construction of each street or road;

6 (5) adopt reasonable specifications to provide
7 adequate drainage for each street or road in a subdivision in
8 accordance with standard engineering practices;

9 (6) require that each purchase contract made between a
10 subdivider and a purchaser of land in the subdivision contain a
11 statement describing how and when water, sewer, electricity, and
12 gas services will be made available to the subdivision; ~~and~~

13 (7) require that the subdivider of the tract execute a
14 bond in the manner provided by Section 232.027;

15 (8) adopt reasonable specifications that provide for
16 drainage in the subdivision to:

17 (A) efficiently manage the flow of stormwater
18 runoff in the subdivision; and

19 (B) coordinate subdivision drainage with the
20 general storm drainage pattern for the area; and

21 (9) require lot and block monumentation to be set by a
22 registered professional surveyor before recordation of the plat.

23 SECTION 5. Subchapter B, Chapter 232, Local Government
24 Code, is amended by adding Sections 232.0255 and 232.0256 to read as
25 follows:

26 Sec. 232.0255. STANDARD FOR ROADS IN SUBDIVISION. A county
27 may not impose under Section 232.025 a higher standard for streets

1 or roads in a subdivision than the county imposes on itself for the
2 construction of streets or roads with a similar type and amount of
3 traffic.

4 Sec. 232.0256. ADDITIONAL REQUIREMENTS: USE OF
5 GROUNDWATER. (a) If a person submits a plat for the subdivision of
6 a tract of land for which the source of the water supply intended
7 for the subdivision is groundwater under that land, the
8 commissioners court of a county by order may require the plat
9 application to have attached to it a statement that:

10 (1) is prepared by an engineer licensed to practice in
11 this state or a geoscientist licensed to practice in this state; and

12 (2) certifies that adequate groundwater is available
13 for the subdivision.

14 (b) The Texas Commission on Environmental Quality by rule
15 shall establish the appropriate form and content of a certification
16 to be attached to a plat application under this section.

17 SECTION 6. Section 232.038, Local Government Code, is
18 amended to read as follows:

19 Sec. 232.038. SUIT BY PRIVATE PERSON [~~IN ECONOMICALLY~~
20 ~~DISTRESSED AREA~~]. (a) This section applies only to:

21 (1) a [A] person who has purchased or is purchasing
22 from a subdivider a lot after July 1, 1995, in a subdivision for
23 residential purposes that does not have water and sewer services as
24 required by this subchapter and is located in an economically
25 distressed area, as defined by Section 17.921, Water Code, from a
26 subdivider; or

27 (2) a person who has purchased or is purchasing from a

1 subdivider a lot after September 1, 2003, in a subdivision for
2 residential purposes that does not have water and sewer services as
3 required by this subchapter.

4 (b) A person described by Subsection (a)~~[7]~~ may bring suit
5 in the district court in which the property is located ~~[or in a~~
6 ~~district court in Travis County]~~ to:

7 (1) declare the sale of the property void and require
8 the subdivider to return the purchase price of the property; and

9 (2) recover from the subdivider:

10 (A) the market value of any permanent
11 improvements the person placed on the property;

12 (B) actual expenses incurred as a direct result
13 of the failure to provide adequate water and sewer facilities;

14 (C) court costs; and

15 (D) reasonable attorney's fees.

16 SECTION 7. Subdivision (26), Section 13.002, Water Code, is
17 amended to read as follows:

18 (26) "Affected county" is a county any part of which is
19 located within 50 miles of an international border ~~[to which~~
20 ~~Subchapter B, Chapter 232, Local Government Code, applies]~~.

21 SECTION 8. Section 13.2501, Water Code, is amended to read
22 as follows:

23 Sec. 13.2501. CONDITIONS REQUIRING REFUSAL OF SERVICE. The
24 holder of a certificate of public convenience and necessity shall
25 refuse to serve a customer within its certified area if the holder
26 of the certificate is prohibited from providing the service under
27 Section 212.012 or 232.029 ~~[232.0047]~~, Local Government Code.

1 SECTION 9. Subdivision (26), Section 26.001, Water Code, as
2 added by Section 24, Chapter 979, Acts of the 74th Legislature,
3 Regular Session, 1995, is amended to read as follows:

4 (26) "Affected county" is a county any part of which is
5 located within 50 miles of an international border [~~to which~~
6 ~~Subchapter B, Chapter 232, Local Government Code, applies~~].

7 SECTION 10. The changes in law made by this Act to Chapter
8 232, Local Government Code, and other statutes apply only to a tract
9 of land subdivided on or after September 1, 2003. A tract of land
10 subdivided before that date is governed by the law in effect
11 immediately before that date, and the former law is continued in
12 effect for that purpose.

13 SECTION 11. This Act takes effect September 1, 2003.