

By: Turner

H.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

relating to the authority to regulate certain water and sewage utilities to ensure public safety in residential areas.

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

SECTION 1. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.146 to read as follows:

Sec. 13.146. PUBLIC SAFETY STANDARDS. (a) In this section, "residential area" means:

(1) an area designated as a residential zoning district by a governing ordinance or code or an area in which the principal permitted land use is for private residences;

(2) a subdivision for which a plat is recorded in the real property records of the county and that contains or is bounded by public streets or parts of public streets that are abutted by residential property occupying at least 75 percent of the front footage along the block face; or

(3) a subdivision for which a plat is recorded in the real property records of the county and a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

(b) The regulatory authority for a retail public utility shall by rule or ordinance adopt public safety standards with respect to the service to be furnished in residential areas, including standards for maintaining sufficient water pressure for

1 service to fire hydrants.

2 (c) The commission shall assess residential areas,
3 including residential areas of a municipality, to ensure that:

4 (1) the regulatory authority for the area has adopted
5 public safety standards under this section; and

6 (2) all retail public utilities serving the
7 residential area are complying with the public safety standards.

8 (d) The commission shall require a municipality acting as a
9 regulatory authority to make appropriate revisions to the public
10 safety standards the commission considers to be inadequate within a
11 reasonable time established by the commission.

12 (e) The commission shall require a public utility in
13 violation of a public safety standard established by the commission
14 or by a municipality acting as a regulatory authority to comply with
15 the public safety standard within a reasonable time established by
16 the commission.

17 SECTION 2. This Act takes effect September 1, 2007.