

By: Wentworth

S.B. No. 786

A BILL TO BE ENTITLED

AN ACT

relating to the mitigation of the impact of residential development in public school districts.

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

SECTION 1. Subtitle I, Title 2, Education Code, is amended by adding Chapter 47 to read as follows:

CHAPTER 47. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

Sec. 47.001. ASSESSMENT OR PROPERTY FOR SCHOOL FACILITIES.

(a) The developer of a proposed residential development containing 1,000 or more single-family housing units who submits a plat or replat of the development for approval under Chapter 212 or 232, Local Government Code, shall simultaneously submit the plat or replat to the school district in which the proposed residential development is located.

(b) If the commissioner determines that a residential development described by Subsection (a) is likely to significantly increase elementary school student enrollment in a school district, the district is entitled to:

(1) assess an impact fee against the developer in an amount computed using the formula adopted by the commissioner under Subsection (d); or

(2) purchase, for fair market value, a percentage of the real property acreage within the residential development site, as determined by the commissioner, if the commissioner determines

1 that the increase in elementary school student enrollment warrants  
2 the construction of a new elementary school facility to accommodate  
3 the increased elementary school student population.

4 (c) The commissioner is not required to make a determination  
5 under Subsection (b) unless requested to do so by the school  
6 district in which the proposed residential development is to be  
7 built.

8 (d) The commissioner shall by rule adopt a formula for  
9 determining an appropriate impact fee under Subsection (b)(1). The  
10 commissioner must base the formula on the impact of anticipated  
11 growth in elementary school student enrollment resulting from a  
12 planned residential development.

13 (e) In making a determination regarding the percentage of  
14 acreage under Subsection (b)(2), the commissioner must provide the  
15 district the opportunity to purchase at least 15 acres of land.

16 Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.  
17 A county or municipality may not grant final approval under Chapter  
18 212 or 232, Local Government Code, as applicable, to a plat or  
19 replat of a residential development or issue permits required for a  
20 residential development unless the developer presents evidence of  
21 having:

22 (1) paid or otherwise satisfied the obligation of any  
23 applicable development assessment imposed under Section  
24 47.001(b)(1);

25 (2) transferred to the school district real property  
26 acreage as required by Section 47.001(b)(2); or

27 (3) received, in writing, from the district a waiver

1 of the district's right to purchase the property as provided by  
2 Section 47.001(b)(2).

3 Sec. 47.003. USE OF ASSESSMENT. (a) A school district may  
4 use a fee collected under Section 47.001(b)(1) only for the  
5 construction or expansion of elementary school facilities to  
6 accommodate increased elementary school student enrollment in the  
7 district.

8 (b) A school district may use land obtained under Section  
9 47.001(b)(2) only as a location for elementary school facilities.

10 Sec. 47.004. REVENUE AND LAND OF DISTRICT. Any fee or land  
11 obtained by a school district under Section 47.001 is in addition to  
12 any other revenue or land to which the district is entitled under  
13 this code.

14 Sec. 47.005. RULES. The commissioner shall adopt rules  
15 necessary to administer this chapter.

16 SECTION 2. This Act applies only to a residential  
17 development project that is finally approved by all appropriate  
18 governmental authorities on or after September 1, 2007.

19 SECTION 3. This Act takes effect September 1, 2007.