

By: Guillen

H.B. No. 3929

Substitute the following for H.B. No. 3929:

By: Raymond

C.S.H.B. No. 3929

A BILL TO BE ENTITLED

AN ACT

relating to subdivision platting requirements in counties near an international border.

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

SECTION 1. Subchapter B, Chapter 232, Local Government Code, is amended by adding Section 232.045 to read as follows:

Sec. 232.045. COUNTY DEVELOPMENT PERMIT REQUIRED. (a) In this section:

(1) "Development or develop" means new construction or substantial improvement of any structure.

(2) "Structure" means a walled and roofed building that is principally above ground. The term includes manufactured homes, transportable structures, and recreational vehicles.

(3) "Substantial improvement" means:

(A) the reconstruction, rehabilitation, restoration, addition, remodeling, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement; or

(B) a change in occupancy of a building that results in a change in the purpose or use of a structure from a nonresidential use to a residential use.

(b) This section applies to a tract of land that is 10 acres or less and that is located in the unincorporated area of a county

1 described by Section 232.022(a).

2 (c) A person may not construct or make a substantial
3 improvement to a structure unless the person obtains a county
4 development permit issued in accordance with this section and the
5 applicable rules, regulations, or orders of the county in which the
6 development is located. The commissioners court may adopt orders
7 as necessary for the administration of this section.

8 (d) By order adopted and entered in the minutes of the
9 commissioners court, the court may designate an official,
10 department head, or county employee to perform the necessary duties
11 and functions to administer a county order under this section. If a
12 designation is made under this subsection, the commissioners court
13 shall establish an appeal procedure and sit as the appeal body for
14 any appeal or grievance of an applicant for a development permit in
15 regard to an action or decision of the court's designee.

16 (e) The commissioners court or the court's designee shall
17 issue a development permit to a person submitting an application
18 for the permit who:

19 (1) has met the infrastructure and certification
20 requirements for the land subject to the permit application;

21 (2) has met the applicable platting requirements
22 under:

23 (A) Subchapter A, if the tract of land is more
24 than five acres; or

25 (B) this subchapter, if the tract of land is five
26 acres or less;

27 (3) has complied, or will comply through development,

1 with the minimum requirements of the National Flood Insurance Act
2 of 1968 (42 U.S.C. Sections 4001-4127) and local regulations and
3 orders of the county adopted under Section 16.315, Water Code;

4 (4) has connected, or will connect through
5 development, to water and sewer service facilities in compliance
6 with applicable state law and rules or any order or regulation
7 established by the county, including any rule adopted under Section
8 16.343 or 17.934, Water Code;

9 (5) has connected, or will connect through
10 development, electricity and gas, if available, with connections
11 that meet, or will meet, the minimum state standards;

12 (6) has complied, or will comply through development,
13 with all plat restrictions, limitations, and conditions
14 established by a recorded plat approved by the commissioners court;

15 (7) has complied, or will comply through development,
16 with all building set-back requirements established by a recorded
17 plat approved by the commissioners court or by county order under
18 Section 233.032 or other law;

19 (8) has submitted applicable fees, required
20 documentation, or other information established by the county for
21 the issuance of a development permit under this section; and

22 (9) if the tract of land is more than five acres, has
23 only a single residence on the tract or will have only a single
24 residence on the tract after the construction allowed by the
25 building permit is complete.

26 (f) By order adopted and entered in the minutes of the
27 commissioners court, the court may charge a reasonable fee to cover

1 the costs of administering the issuance of development permits
2 under this section. Fees collected under this subsection may be
3 used only to defray those costs.

4 (g) The commissioners court or the court's designee shall
5 issue a written list of the documentation and other information
6 that must be submitted as part of the development permit
7 application. The documentation or other information must relate to
8 a requirement authorized under this section or other applicable
9 law. If a person submits an application that does not include all
10 of the documentation or other information required by this
11 subsection, the commissioners court or the court's designee shall
12 notify the applicant, not later than the 15th business day after the
13 date of receipt by the commissioners court or the court's designee,
14 of the missing documentation or other information. The county's
15 orders adopted under this section must allow for a timely
16 submission of the missing documentation or other information.

17 (h) A development permit application is considered to be
18 complete when all documentation or other information required by
19 Subsection (g) is received. Acceptance by the commissioners court
20 or the court's designee of a completed application may not be
21 construed as approval of the application.

22 (i) The commissioners court or the court's designee shall
23 take final action on the approval or disapproval of an application
24 for a development permit not later than the 30th day after the date
25 a completed application is received by the commissioners court or
26 the court's designee. If the application is disapproved, the
27 commissioners court or the court's designee shall provide to the

1 applicant a complete list of the reasons for the disapproval.

2 (j) The county's authority granted under this section is
3 cumulative of and in addition to the authority granted under this
4 chapter and under other law pertaining to county regulation of the
5 subdivision or development of land.

6 (k) The county may conduct inspections to ensure compliance
7 with a permit issued under this section.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.