

By: Coleman

H.B. No. 4648

Substitute the following for H.B. No. 4648:

By: Turner of Tarrant

C.S.H.B. No. 4648

A BILL TO BE ENTITLED

AN ACT

relating to authorizing municipalities located in certain counties to create residential management districts.

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

SECTION 1. Chapter 375, Local Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. RESIDENTIAL MANAGEMENT DISTRICTS

Sec. 375.451. APPLICABILITY. This subchapter applies only to a municipality with a population of more than 1,900,000 that is located in a county with a population of more than two million.

Sec. 375.452. DEFINITIONS. In this subchapter:

(1) "Associated low-density multifamily residential housing" means residential housing in a building of three or fewer stories, including a townhome, patio home, triplex, or quadruplex, that is located in a residential neighborhood.

(2) "Deed-restricted residential subdivision" means a subdivision, including all of the subdivision's sections, annexes, extensions, and associated residentially deed-restricted parcels or tracts, that is:

(A) governed by deed restrictions; and

(B) consists of lots for:

(i) single-family dwellings; and

(ii) associated low-density multifamily residential housing.

1 (3) "District" means a residential management
2 district created by a municipality under this subchapter.

3 (4) "Predominately single-family residential
4 subdivision or generally recognized residential area" means an area
5 that, regardless of whether the area is governed by deed
6 restrictions, consists mostly of tracts for single-family
7 dwelling and associated low-density multifamily residential
8 housing.

9 (5) "Residential neighborhood" means a contiguous
10 area composed of:

11 (A) a deed-restricted residential subdivision;

12 (B) a predominately single-family residential
13 subdivision or generally recognized residential area; or

14 (C) any combination of two or more
15 deed-restricted residential subdivisions or predominately
16 single-family residential subdivisions or generally recognized
17 residential areas.

18 (6) "Single-family dwelling" means:

19 (A) a single building that is:

20 (i) located on a single lot; and

21 (ii) designed for and contains not more
22 than two separate dwelling units with facilities for living,
23 sleeping, cooking, and eating;

24 (B) two buildings, one of which is not more than
25 900 square feet in size, that are located on a single lot and each
26 contain not more than one dwelling unit; or

27 (C) a building that contains not more than one

1 dwelling unit and that stands on one lot and is connected by a party
2 wall to another building that stands on an adjacent lot and that
3 contains not more than one dwelling unit.

4 Sec. 375.453. PETITION. (a) The governing body of a
5 municipality may create a district only if the governing body
6 receives a petition requesting creation of the district that
7 describes a proposed area at least 90 percent of which is a
8 residential neighborhood.

9 (b) The petition must be signed by:

10 (1) the owners of a majority of the assessed value of
11 the real property in the proposed district, according to the most
12 recent certified county property tax rolls; or

13 (2) 50 persons who own real property in the proposed
14 district if, according to the most recent certified county property
15 tax rolls, more than 50 persons own real property in the proposed
16 district.

17 (c) The petition must:

18 (1) describe the boundaries of the proposed district
19 by metes and bounds or, if there is a recorded map or plat and survey
20 of the area, by lot and block number;

21 (2) include a name of the district, which must be
22 generally descriptive of the location of the district, followed by
23 "Residential Management District";

24 (3) propose the number of directors the district will
25 have, which must be at least five and not more than nine;

26 (4) include a proposed list of initial directors that
27 includes the directors' experience and initial terms of service;

1 and

2 (5) include a statement of the zoning powers granted
3 to a municipality under Chapter 211 that it is proposed the district
4 will exercise, subject to an election approving the exercise of
5 those powers.

6 Sec. 375.454. NOTICE OF HEARING. The governing body of a
7 municipality shall set a date, time, and place for a hearing to
8 consider each petition received. The governing body shall issue a
9 notice of the date, time, and place of hearing. The notice must
10 state that each person has a right to appear and present evidence
11 and testify for or against the allegations in the petition, the form
12 of the petition, and the necessity and feasibility of the district.

13 Sec. 375.455. HEARING. (a) At a hearing set under Section
14 375.454, the governing body of a municipality shall examine the
15 petition to determine its sufficiency. Any interested person may
16 appear before the governing body in person or by attorney and offer
17 testimony on the sufficiency of the petition and whether the
18 district is feasible and necessary and would be a benefit to all or
19 any part of the land proposed to be included in the district.

20 (b) The governing body of the municipality has jurisdiction
21 to determine each issue relating to the sufficiency of the petition
22 and to the creation of the district and may issue necessary
23 incidental resolutions in relation to the issues before the
24 governing body. The governing body may adjourn the hearing from day
25 to day.

26 (c) If after the hearing the governing body of the
27 municipality finds that the petition conforms to the requirements

1 of Section 375.453 and that the district is feasible and necessary
2 and would benefit the public, the governing body by order shall make
3 that finding and grant the petition. In determining if the project
4 is feasible and necessary and would benefit the public, the
5 governing body shall consider:

6 (1) the availability of comparable services from other
7 systems, including special districts, municipalities, and regional
8 authorities; and

9 (2) the reasonableness of the proposed public purpose
10 projects and services.

11 Sec. 375.456. INITIAL DIRECTORS. If the governing body of
12 the municipality grants the petition and creates the district, the
13 governing body shall appoint the number of initial directors
14 requested in the petition.

15 Sec. 375.457. QUALIFICATIONS OF DIRECTOR. To be qualified
16 to serve as a director, a person must be at least 18 years of age and
17 a resident of the district.

18 Sec. 375.458. CONFIRMATION ELECTION AND ELECTION OF
19 DIRECTORS AND ZONING POWERS. The initial directors shall hold an
20 election on the first available uniform election date that occurs
21 after the time required by Section 3.005, Election Code:

22 (1) on the question of the creation of the district;
23 (2) on the question of whether to authorize the
24 district to exercise municipal zoning powers under Chapter 211; and
25 (3) to elect successor directors.

26 Sec. 375.459. ELECTION BALLOT. In addition to allowing for
27 the election of directors by name, the ballot shall be printed to

1 provide for voting for or against the following propositions:

2 (1) "Creating the _____ Residential Management
3 District"; and

4 (2) "Authorizing the _____ Residential Management
5 District to exercise municipal zoning powers."

6 Sec. 375.460. POWERS AND DUTIES. A district has the powers
7 and duties that:

8 (1) this chapter provides to a management district
9 created under this chapter; and

10 (2) Chapter 211 provides to a municipality, if a
11 majority of district voters voting in an election held under
12 Section 375.458 approve of the district exercising municipal zoning
13 powers.

14 Sec. 375.461. NO EMINENT DOMAIN POWER. A district may not
15 exercise the power of eminent domain.

16 Sec. 375.462. DISSOLUTION. (a) The governing body of the
17 municipality that creates a district shall call an election on the
18 question of dissolving the district if the governing body receives
19 a petition to dissolve the district that contains the signatures of
20 more than 60 percent of the residents of the district.

21 (b) If 75 percent of the district voters voting at the
22 election vote in the election to dissolve the district, the
23 district is dissolved.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.