

By: Wentworth, Van de Putte

S.B. No. 688

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 48 to read as follows:

CHAPTER 48. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

Sec. 48.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES.

(a) The developer of a proposed residential development
containing 1,000 or more residential units, including
single-family residential units and residential units within a
multi-family dwelling, who submits a plat or replat of the
development or part of the development for approval under Chapter
212 or 232, Local Government Code, as applicable, shall provide
advance notice of the submission to the school district in which the
proposed residential development is located. The developer must
provide the notice not later than the 60th day before the date on
which the developer submits the plat or replat.

(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
and that the increase in enrollment warrants the construction of a
new elementary school facility to accommodate the increased
elementary school population, the district is entitled to purchase,

1 for fair market value or a negotiated rate below fair market value,
2 a percentage of the real property acreage within the residential
3 development site, as determined by the commissioner, unless the
4 developer has already designated a location for a new elementary
5 school within the residential development site on at least 15 acres
6 of land.

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

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

14 Sec. 48.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.

15 (a) A county or municipality may not grant final approval under
16 Chapter 212 or 232, Local Government Code, as applicable, to a plat
17 or replat of a residential development described by Section
18 48.001(a) or part of the development or issue permits required for
19 the development described by Section 48.001(a) or part of the
20 development unless the developer presents evidence of providing the
21 notice required under Section 48.001(a) to the school district.

22 (b) If any other law requires a county or municipality to
23 act within a specified period regarding the approval of a plat or
24 replat or the issuance of a permit, the period does not begin until
25 a developer presents the evidence required by Subsection (a).

26 Sec. 48.003. USE OF LAND. A school district may use land
27 obtained under Section 48.001(b) only as a location for elementary

1 school facilities.

2 Sec. 48.004. DISTRICT LAND. Any land obtained by a school
3 district under Section 48.001(b) is in addition to any other land to
4 which the district is entitled under this code.

5 Sec. 48.005. RULES. The commissioner shall adopt rules
6 necessary to administer this chapter.

7 SECTION 2. This Act applies only to a residential
8 development project that is finally approved by all appropriate
9 governmental authorities on or after September 1, 2009.

10 SECTION 3. This Act takes effect September 1, 2009.