

By: Wentworth

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 single-family housing units 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 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 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, for fair market value, a percentage of the real property acreage within the residential development site, as determined by the commissioner.

(c) The commissioner is not required to make a determination

1 under Subsection (b) unless requested to do so by the school
2 district in which the proposed residential development is to be
3 built.

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

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

8 A county or municipality may not grant final approval under Chapter
9 212 or 232, Local Government Code, as applicable, to a plat or
10 replat of a residential development described by Section 48.001(a)
11 or part of the development or issue permits required for the
12 development described by Section 48.001(a) or part of the
13 development unless the developer presents evidence of having:

14 (1) transferred to the school district real property
15 acreage as required by Section 48.001(b); or

16 (2) received, in writing, from the district a waiver
17 of the district's right to purchase the property as provided by
18 Section 48.001(b).

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

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

25 Sec. 48.005. RULES. The commissioner shall adopt rules
26 necessary to administer this chapter.

27 SECTION 2. This Act applies only to a residential

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1 development project that is finally approved by all appropriate
2 governmental authorities on or after September 1, 2009.

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