

BILL ANALYSIS

C.S.H.B. 1767
By: Munoz, Jr.
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, certain counties, including Hidalgo County, have the authority to adopt rules relating to a prohibition against having more than one single-family dwelling per lot, but the county must obtain the assistance of the county attorney or district attorney to enforce such a rule. This procedure is time-consuming and inefficient. To address these issues, C.S.H.B. 1767 seeks statutory changes relating to the enforcement of county subdivision regulations prohibiting more than one residential dwelling on each subdivision lot.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1767 amends the Water Code to add to the civil penalty enforcement authority for a county relating to rules regarding water development in certain economically distressed areas by authorizing a county's rules to provide that an owner or occupant of a dwelling who violates a rule prohibiting more than one single-family, detached dwelling to be located on a lot commits a Class C misdemeanor offense. The bill makes each day a violation occurs or continues a separate offense.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1767 differs from the original by specifying that a county's authority to provide for a Class C misdemeanor offense for a violation of a rule prohibiting more than one single-family, detached dwelling to be located on a lot in certain economically distressed areas of the county is in addition to civil penalty enforcement authority, whereas the original creates an exception to the civil penalty enforcement authority to authorize rules adopted by a county to provide for a civil penalty of not more than \$200 for a violation of the same prohibition. The substitute omits provisions included in the original authorizing rules adopted by a county to authorize certain county employees to issue citations for such a violation and to allow a justice of the peace to enforce the penalty.

C.S.H.B. 1767 contains a procedural provision not included in the original.