

BILL ANALYSIS

S.B. 1760
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Land & Resource Management
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, certain statutory provisions applicable predominantly to counties that are located along the Texas-Mexico border require the adoption of certain land development requirements, such as platting and water and wastewater requirements, meant to prevent the proliferation of colonias. These regulations are known as the model subdivision rules of the Texas Water Development Board.

As part of a legislative interim committee work, the effectiveness of the model subdivision rules was studied. As a result of meeting with various stakeholders and overseeing agencies, it appears that instances exist in which some potential land buyers, such as those buying land in sheriff auctions, are not being made aware of the platting and water and wastewater requirements set out by the rules, which, in certain circumstances, has resulted in unintentional violations of the law in certain land-sale transactions. S.B. 1760 seeks to address these issues by establishing provisions relating to notice of water and wastewater requirements before certain sales of certain residential properties.

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

S.B. 1760 establishes provisions relating to notice of water and wastewater requirements by a county that sells under certain tax sales and redemption provisions real property presumed to be for residential use under provisions relating to subdivision platting requirements in a county near an international border or that sells under certain Texas Rules of Civil Procedure provisions and Civil Practice and Remedies Code provisions relating to execution on judgments real property presumed to be for residential use under provisions relating to subdivision platting requirements in a county near an international border taken by virtue of a writ of execution. The bill requires a county to include in the public notice of sale of the property and the deed conveying the property a statement substantially similar to language provided by the bill. The bill requires the statement to be printed in English and Spanish and in 14-point boldface type or 14-point uppercase typewritten letters and to be read aloud at the sale, in English and Spanish, by an agent of the county. The bill makes a sale conducted in violation of the bill's provisions void.

EFFECTIVE DATE

September 1, 2011.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1.

Committee Amendment No. 1, in a provision of the bill relating to the language of the public notice of sale of the property and the deed conveying the property, removes the following from such language: "THE _____ (NAME OF COUNTY) AND THE SHERIFF'S DEPARTMENT ARE ACTING ONLY AS CONDUITS OF INFORMATION."