

BILL ANALYSIS

Senate Research Center
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S.B. 1760
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Subchapter B (Subdivision Platting Requirements in County Near International Border), Chapter 232 (County Regulation of Subdivisions), Local Government Code, relates predominantly to counties that are located along the Texas-Mexico Border, which have been mandated since the passage of H.B. 1001, in 1995, to adopt certain land development requirements meant to prevent the proliferation of colonias, i.e., platting and water and wastewater requirements. These regulations are known as the Model Subdivision Rules promulgated by the Texas Water Development Board.

During the interim, the Senate Committee on International Relations and Trade held meetings and hearings regarding the effectiveness of the Model Subdivision Rules. By meeting with various stakeholders and overseeing agencies, the committee found that instances exist in which some would-be land buyers, such as those buying land in sheriff auctions, are not being made aware of the platting and water and wastewater requirements set forth by the Model Subdivision Rules. In certain circumstances, this has resulted in unintentional violations of the law in certain land-sale transactions (those involving less than five acres where Texas law presume the land to be intended for residential use).

S.B. 1760 addresses some of these circumstances by requiring Subchapter B counties to include a notice of water and wastewater requirements in the public notice of sale of property.

As proposed, S.B. 1760 amends current law relating to notice of water and wastewater requirements before certain sales of certain residential properties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 232, Local Government Code, by adding Section 232.0315, as follows:

Sec. 232.0315. NOTICE OF WATER AND WASTEWATER REQUIREMENTS BY COUNTIES. (a) Provides that this section applies only to a county that sells under Section 34.01 (Sale of Property), Tax Code, real property presumed to be for residential use under Section 232.022 (Applicability); or under Section 3 (Executions), Part VI (Rules Relating to Ancillary Proceedings), Texas Rules of Civil Procedure, and Chapter 34 (Execution on Judgments), Civil Practice and Remedies Code, real property presumed to be for residential use under Section 232.022, taken by virtue of a writ of execution.

(b) 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 certain language. Sets forth the language of the notice.

(c) Requires that the statement required by Subsection (b) be printed in English and Spanish, and in 14-point boldface type or 14-point uppercase typewritten

letters, and read aloud at the sale, in English and Spanish, by an agent of the county.

(d) Provides that a sale conducted in violation of this section is void.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.