

By: Guillen

H.B. No. 1604

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of subdivisions in counties, including certain border and economically distressed counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 232.0031, Local Government Code, is amended to read as follows:

Sec. 232.0031. CHAPTER-WIDE PROVISION RELATING TO STANDARD FOR ROADS IN SUBDIVISION. A county may not impose under this chapter [~~Section 232.003~~] a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of streets or roads:

(1) with a similar type and amount of traffic; and

(2) that were established or laid out on or after September 1, 1989.

SECTION 2. Section 232.022(d), Local Government Code, is amended to read as follows:

(d) This subchapter does not apply if all [~~each~~] of the lots of the subdivision are more than [~~is~~] 10 [~~or more~~] acres.

SECTION 3. Section 232.023, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A subdivider of land must have a plat of the subdivision prepared if at least one of the lots of the subdivision is five acres or less. A commissioners court by order may require each

1 subdivider of land to prepare a plat if at least one of the lots of a
2 subdivision is more than five acres but not more than 10 acres.

3 (a-1) A subdivision of a tract under this section
4 ~~[subsection]~~ includes a subdivision of real property by any method
5 of conveyance, including a contract for deed, oral contract,
6 contract of sale, or other type of executory contract, regardless
7 of whether the subdivision is made by using a metes and bounds
8 description.

9 SECTION 4. Subchapter B, Chapter 232, Local Government
10 Code, is amended by adding Section 232.0375 to read as follows:

11 Sec. 232.0375. NOTICE AND OPPORTUNITY TO CURE REQUIRED
12 BEFORE FILING ENFORCEMENT ACTION. (a) Before an enforcement action
13 may be filed against a subdivider under this subchapter, the
14 subdivider must be notified in writing about the general nature of
15 the alleged violation and given 90 days from the notification date
16 to cure the violation. After the 90th day after the date of the
17 notification, the enforcement action may proceed.

18 (b) This section does not apply to an enforcement action
19 filed because an occupied dwelling allegedly lacks water or sewer
20 service.

21 SECTION 5. Subchapter B, Chapter 232, Local Government
22 Code, is amended by adding Section 232.045 to read as follows:

23 Sec. 232.045. EARNEST MONEY CONTRACTS. (a) A person may
24 advertise the sale of an undeveloped lot that is part of a tract of
25 land that has not been platted, and may enter into an earnest money
26 contract with a potential purchaser of the lot, if the earnest money
27 contract prohibits the possession or occupation of the lot until:

1 (1) the tract on which the lot is located receives
2 final plat approval under Section 232.024; and

3 (2) all water and sewer service facilities for the lot
4 are connected or installed in compliance with the model rules
5 adopted under Section 16.343, Water Code.

6 (b) A person offering a lot for sale under this section
7 shall provide a purchaser with a written notice, which must be
8 attached to the earnest money contract, informing the purchaser
9 that no person may possess or occupy the lot until the conditions
10 described by Subsection (a) are satisfied.

11 SECTION 6. Section 232.072, Local Government Code, is
12 amended by amending Subsection (a) and adding Subsection (a-1) to
13 read as follows:

14 (a) The owner of a tract of land that divides the tract in
15 any manner that creates lots of five acres or less intended for
16 residential purposes must have a plat of the subdivision prepared.
17 A commissioners court by order may require each subdivider of land
18 to prepare a plat if at least one of the lots of a subdivision is
19 more than five acres but not more than 10 acres.

20 (a-1) A subdivision of a tract under this section includes a
21 subdivision of real property by any method of conveyance, including
22 a contract for deed, oral contract, contract of sale, or other type
23 of executory contract, regardless of whether the subdivision is
24 made by using a metes and bounds description.

25 SECTION 7. Subchapter C, Chapter 232, Local Government
26 Code, is amended by adding Section 232.0805 to read as follows:

27 Sec. 232.0805. NOTICE AND OPPORTUNITY TO CURE REQUIRED

1 BEFORE FILING ENFORCEMENT ACTION. (a) In this section,
2 "subdivider" has the meaning assigned by Section 232.021.

3 (b) Before an enforcement action may be filed against a
4 subdivider under this subchapter, the subdivider must be notified
5 in writing about the general nature of the alleged violation and
6 given 90 days from the notification date to cure the violation.
7 After the 90th day after the date of the notification, the
8 enforcement action may proceed.

9 (c) This section does not apply to an enforcement action
10 filed because an occupied dwelling allegedly lacks water or sewer
11 service.

12 SECTION 8. Subchapter J, Chapter 16, Water Code, is amended
13 by adding Section 16.3541 to read as follows:

14 Sec. 16.3541. NOTICE AND OPPORTUNITY TO CURE REQUIRED
15 BEFORE FILING ENFORCEMENT ACTION. (a) In this section,
16 "subdivider" has the meaning assigned by Section 232.021, Local
17 Government Code.

18 (b) Before an enforcement action may be filed against a
19 subdivider under this subchapter, the subdivider must be notified
20 in writing about the general nature of the alleged violation and
21 given 90 days from the notification date to cure the violation.
22 After the 90th day after the date of the notification, the
23 enforcement action may proceed.

24 (c) This section does not apply to an enforcement action
25 filed because an occupied dwelling allegedly lacks water or sewer
26 service.

27 SECTION 9. The changes in law made by this Act to Sections

1 232.022, 232.023, and 232.072, Local Government Code, apply only to
2 a subdivision plat application submitted for approval on or after
3 the effective date of this Act. A subdivision plat application
4 submitted for approval before the effective date of this Act is
5 governed by the law in effect when the application was submitted,
6 and the former law is continued in effect for that purpose.

7 SECTION 10. This Act applies only to an enforcement action
8 filed on or after the effective date of this Act. An enforcement
9 action filed before the effective date of this Act is governed by
10 the law as it existed when the action was filed, and the former law
11 is continued in effect for that purpose.

12 SECTION 11. This Act takes effect September 1, 2011.