

By: Munoz, Jr.

H.B. No. 1767

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the enforcement of county subdivision regulations  
3 prohibiting more than one residential dwelling on each subdivision  
4 lot.

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

6 SECTION 1. Section 16.352, Water Code, is amended to read as  
7 follows:

8 Sec. 16.352. ENFORCEMENT OF RULES. (a) Except as provided  
9 by Subsection (b), a [A] person who violates a rule adopted by a  
10 municipality or county under this subchapter or under Subchapter B  
11 or C, Chapter 232, Local Government Code, is liable to the  
12 municipality or county for a civil penalty of not less than \$500 and  
13 not more than \$1,000 for each violation and for each day of a  
14 violation. The maximum civil penalty that may accrue each day is  
15 \$5,000. The appropriate attorney representing the municipality or  
16 county may sue to collect the penalty. The recovered penalty shall  
17 be deposited in the general fund of the municipality or county.

18 (b) Rules adopted by a county under this subchapter may:

19 (1) provide that an owner or occupant of a dwelling who  
20 violates a rule prohibiting more than one single-family, detached  
21 dwelling to be located on a lot is liable to the county for a civil  
22 penalty of not more than \$200;

23 (2) authorize certain county employees to issue  
24 citations for a violation described by Subdivision (1); and

1           (3) allow a justice of the peace to enforce the  
2 penalty.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2011.