

By: Raymond

H.B. No. 2803

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal land development regulation.

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

SECTION 1. Section 405.021, Government Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) A system described by Subsection (g):

(1) must include a method for a municipality or county, on a form prescribed by the secretary of state, to nominate an area for identification as a colonia; and

(2) may provide for the review of a nominated area by the Texas Water Development Board, the office of the attorney general, or any other appropriate state agency as determined by the secretary of state.

SECTION 2. Subsections (a) and (d), Section 232.022, Local Government Code, are amended to read as follows:

(a) This subchapter applies only to:

(1) a county any part of which is located within 50 miles of an international border; ~~or~~

(2) a county:

(A) any part of which is located within 100 miles of an international border;

(B) that contains the majority of the area of a municipality with a population of more than 250,000; and

(C) to which Subdivision (1) does not apply; or

1 (3) a county in which the commissioners court by
2 order:

3 (A) has adopted the model rules adopted under
4 Section 16.343, Water Code; and

5 (B) elects to operate under this subchapter.

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

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

11 (a) A subdivider of land must have a plat of the subdivision
12 prepared if at least one of the lots of the subdivision is five
13 acres or less. A commissioners court by order may require a
14 subdivider of land to prepare a plat if at least one of the lots of a
15 subdivision is more than five acres but not more than 10 acres.

16 (a-1) A subdivision of a tract under this section
17 ~~[subsection]~~ includes a subdivision of real property by any method
18 of conveyance, including a contract for deed, oral contract,
19 contract of sale, or other type of executory contract, regardless
20 of whether the subdivision is made by using a metes and bounds
21 description.

22 SECTION 4. Section 232.028, Local Government Code, is
23 amended by adding Subsection (h) to read as follows:

24 (h) A county may withhold a certificate under this section
25 for a residential property to ensure compliance with any applicable
26 county subdivision regulation under this chapter.

27 SECTION 5. Section 232.072, Local Government Code, is

1 amended by amending Subsection (a) and adding Subsection (a-1) to
2 read as follows:

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

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

14 SECTION 6. Section 232.076, Local Government Code, is
15 amended by adding Subsection (g) to read as follows:

16 (g) A county may withhold a certificate under this section
17 for a residential property to ensure compliance with any applicable
18 county subdivision regulation under this chapter.

19 SECTION 7. Section 16.343, Water Code, is amended by adding
20 Subsection (f) and amending Subsection (g) to read as follows:

21 (f) To augment regulatory compliance by political
22 subdivisions, the model rules may impose requirements for platting,
23 replatting, or any other method authorized by law. Notwithstanding
24 any other law to the contrary, a political subdivision that has
25 adopted the model rules under this section may impose the platting
26 requirements of Chapter 212 or 232, Local Government Code, as
27 applicable to a division of real property that is required to be

1 platted or replatted by the provisions of the model rules.

2 (g) Before an application for funds under Section 15.407 or
3 Subchapter P, Chapter 15, or Subchapter K, Chapter 17, may be
4 considered by the board, if the applicant is located:

5 (1) in a city, the city must adopt and enforce the
6 model rules in accordance with this section;

7 (2) in the extraterritorial jurisdiction of a city,
8 the applicant must demonstrate that the model rules have been
9 adopted and are enforced in the extraterritorial jurisdiction by
10 either the city or the county; or

11 (3) outside the extraterritorial jurisdiction of a
12 city, the county must adopt and enforce the model rules in
13 accordance with this section ~~[a political subdivision must adopt~~
14 ~~the model rules pursuant to this section. If the applicant is a~~
15 ~~district, nonprofit water supply corporation, or colonia, the~~
16 ~~applicant must be located in a city or county that has adopted such~~
17 ~~rules. Applicants for funds under Section 15.407 or Subchapter P,~~
18 ~~Chapter 15, or Subchapter K, Chapter 17, may not receive funds under~~
19 ~~those provisions unless the applicable political subdivision~~
20 ~~adopts and enforces the model rules]~~.

21 SECTION 8. The changes in law made by this Act to Chapter
22 232, Local Government Code, apply only to a subdivision plat
23 application submitted for approval on or after the effective date
24 of this Act. A subdivision plat application submitted for approval
25 before the effective date of this Act is governed by the law in
26 effect when the application was submitted, and the former law is
27 continued in effect for that purpose.

1 SECTION 9. This Act takes effect September 1, 2011.