

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 24, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB1816** by Zaffirini (Relating to county and municipal land development regulation. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to require the Secretary of State (SOS) to prescribe a form for a municipality or a county to nominate an area identification as a colonia; and may provide for the review of the area by the Texas Water Development Board (TWDB), the Office of the Attorney General, or any other appropriate state agency as determined by SOS.

The bill would amend the Local Government Code to remove the ability for a county to impose a higher standard for streets or roads in a subdivision than the county imposes on itself for the construction of new streets or roads.

The bill would establish subdivision plat requirements for certain lot sizes, including procedures for earnest money contracts and notices. The bill would require a subdivider of land to be notified in writing about the nature of any violation and given 90 days from the notification date to cure the violation before enforcement action may proceed unless dwellings allegedly lack water or sewer services. The provisions would not apply to a civil enforcement action if the attorney general, district attorney, or county attorney asserts that an alleged violation or threatened violation poses a threat to a consumer or the health and safety of any person; or a delay in bringing an enforcement action would result in financial loss or increased costs to a person or a county.

The bill would authorize a county to require the issuance of a certificate of compliance as a precondition to obtaining utility services. The bill would specify that a utility may not serve or connect any residential structure with permanent water, sewer, electricity, gas, or other utility service unless the utility receives a certificate issued by the county that states that compliance with all requirements was demonstrated.

The bill would require that a utility may not serve or connect any residential structure with permanent water, sewer, electricity, gas, or other utility service unless the utility receives a certificate issued by the commissioners court certifying that the structure complies with all county regulations.

The bill would amend the Water Code to authorize a political subdivision that has adopted the model rules under Section 16.343 to impose platting requirements of Chapter 212 or 232 of the Local Government Code. Before TWDB may consider an application for funds, an applicant must meet certain requirements as defined by the provisions of the bill. Under current statute, TWDB may not consider funds unless a political subdivision adopts and enforces model rules under this section and applicants may not receive funds.

The bill would repeal Section 232.021(9) of the Local Government Code.

**Local Government Impact**

There could be costs to an applicable county for the issuance of a written certificate of compliance for

new residential construction, but the amounts would vary depending on whether the county chose to issue certificates of compliance, the number certificates that are requested and issued and the costs associated with the certificates. It is assumed that a county would require the issuance of certificates of compliance only if sufficient funds were available to cover the costs or it would not result in a negative fiscal impact.

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, BTA, SZ, KM, TP