

By: Raymond

H.B. No. 1650

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. 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 subdivider of land to prepare a plat if none of the lots is five

1 acres or less but at least one of the lots of a subdivision is more  
2 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. Section 232.072, Local Government Code, is  
10 amended by amending Subsection (a) and adding Subsection (a-1) to  
11 read as follows:

12 (a) The owner of a tract of land that divides the tract in  
13 any manner that creates at least one lot [~~lots~~] of five acres or  
14 less intended for residential purposes must have a plat of the  
15 subdivision prepared. A commissioners court by order may require  
16 each subdivider of land to prepare a plat if none of the lots is five  
17 acres or less but at least one of the lots of the subdivision is more  
18 than five acres but not more than 10 acres.

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

24 SECTION 5. Section 16.343, Water Code, is amended by adding  
25 Subsection (f) and amending Subsection (g) to read as follows:

26 (f) The model rules may impose a platting or replatting  
27 requirement pursuant to Subsection (b)(2), (c)(2), or (d). Except

1 as may be required by an agreement developed under Chapter 242,  
2 Local Government Code, a municipality that has adopted the model  
3 rules may impose the applicable platting requirements of Chapter  
4 212, Local Government Code, and a county that has adopted the model  
5 rules may impose the applicable platting requirements of Chapter  
6 232, Local Government Code, to real property that is required to be  
7 platted or replatted by the model rules under this section.

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

11 (1) in a municipality, the municipality must adopt and  
12 enforce the model rules in accordance with this section;

13 (2) in the extraterritorial jurisdiction of a  
14 municipality, the applicant must demonstrate that the model rules  
15 have been adopted and are enforced in the extraterritorial  
16 jurisdiction by the municipality or the county; or

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

27 SECTION 6. The changes in law made by this Act to Chapter

1 232, Local Government Code, apply only to a subdivision plat  
2 application submitted for approval on or after the effective date  
3 of this Act. A subdivision plat application submitted for approval  
4 before the effective date of this Act is governed by the law in  
5 effect when the application was submitted, and the former law is  
6 continued in effect for that purpose.

7 SECTION 7. This Act takes effect September 1, 2013.