

BILL ANALYSIS

C.S.S.B. 1575
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that certain counties, such as El Paso County, have a strong need for a useable inventory of land which may be developed into residential and commercial uses to address future growth. Regarding El Paso County, the parties note that during the 1950s through the early 1980s large tracts of land were purchased in far east El Paso, subdivided into small lots, and sold to thousands of individuals on speculation that the lots would be good investments, but that approximately two decades ago, in an effort to stop new colonias from developing, legislation was passed prohibiting lots without water or sewage systems from being sold. The parties further note that there are approximately 50,000 acres of lots that fit this category within the county and that speculators acquire bundles of these lots and make minimum required water and sewer improvements but do not make other additional improvements that would otherwise be required under current regulations with respect to elements such as paved streets and curbing. The parties also note that eventually, as these lots are resold and occupied, residents begin asking for these additional improvements and that the local government is pressured to provide the improvements which come at a higher cost given the years of non-utilization of the lots. C.S.S.B. 1575 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1575 amends the Local Government Code to authorize the commissioners court of a county with a population of more than 800,000 that is adjacent to an international border by order to implement a process applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county and through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

C.S.S.B. 1575 requires a regulation or standard adopted by a county under the bill's provisions to be no less stringent than the minimum standards and other requirements under the applicable Texas Water Development Board model rules for safe and sanitary water supply and sewer services and any other minimum public safety standards that would otherwise be applicable to the subdivision. The bill applies such a regulation or standard only to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly offers lots for sale or

lease as part of a common promotional plan in the ordinary course of business, and the bill requires each regulation or standard to expressly state that limitation. The bill defines "common promotional plan" as a plan or scheme of operation undertaken by a person or a group acting in concert, either personally or through an agent, to offer for sale or lease more than two lots when the land is contiguous or part of the same area of land or is known, designated, or advertised as a common unit or by a common name.

C.S.S.B. 1575 prohibits a county from applying an order adopted under the bill's provisions to a subdivision that is the subject of a judicial proceeding pending on May 1, 2015, to determine whether the subdivision is subject to a valid and existing subdivision plat.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1575 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Subchapter B, Chapter 232, Local Government Code, is amended.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. The county may not apply an order adopted under Section 232.045, Local Government Code, as added by this Act, to a subdivision that is the subject of a judicial proceeding pending on May 1, 2015, to determine whether the subdivision is subject to a valid and existing subdivision plat.

SECTION 3. This Act takes effect January 1, 2016.