

By: Martinez

H.B. No. 1886

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to impose an assessment on landowners for the installation, operation, and maintenance of streetlights.

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

SECTION 1. Chapter 280, Transportation Code, is amended by adding Section 280.004 to read as follows:

Sec. 280.004. ASSESSMENT FOR STREETLIGHTS IN CERTAIN COUNTIES. (a) This section applies only to a county that:

(1) is located on the international border;

(2) has a population of 750,000 or more; and

(3) is adjacent to two or more counties each of which has a population of 50,000 or more.

(b) The commissioners court of a county that provides for the installation, operation, and maintenance of streetlights along a county road in a subdivision under Section 280.003 may by order impose an assessment on the owners of real property in the subdivision who benefit from the streetlights instead of collecting a fee.

(c) Before a commissioners court may impose an assessment under this section, the commissioners court must:

(1) prepare an estimate of the total cost to install, operate, and maintain the streetlights;

(2) prepare a proposed assessment roll that:

1 (A) lists each tract of real property that
2 benefits from the streetlights and is subject to the assessment;
3 and

4 (B) allocates to each tract an assessment amount
5 equal to the total cost estimated under Subdivision (1) divided by
6 the number of tracts listed under Paragraph (A);

7 (3) submit the proposed assessment roll to the county
8 tax assessor-collector; and

9 (4) hold a public hearing at which members of the
10 public are given the opportunity to be heard on the proposed
11 imposition of the assessment.

12 (d) As soon as practicable after the appraisal roll is
13 submitted to the county tax assessor-collector under Subsection (c)
14 but not later than the 20th day before the date of the public
15 hearing required by that subsection, the county tax
16 assessor-collector shall provide notice of the public hearing by
17 certified mail, return receipt requested, to the owner of each
18 tract of real property listed in the assessment roll. The notice
19 must include:

20 (1) the date, time, and place of the hearing;

21 (2) a description of the subdivision for which the
22 streetlights along a county road are proposed to be provided;

23 (3) a statement that the commissioners court will
24 consider the imposition of an assessment on the owners of real
25 property in the subdivision who benefit from the streetlights to
26 provide for the installation, operation, and maintenance of the
27 streetlights; and

1 (4) the estimated amount of the assessment that each
2 owner of real property in the subdivision who benefits from the
3 streetlights may be required to pay.

4 (e) Not later than the 10th day before the date of the public
5 hearing required by Subsection (c), the county tax
6 assessor-collector shall publish notice of the hearing in at least
7 one newspaper of general circulation in the county that includes
8 the information required by Subsection (d).

9 (f) The commissioners court may contract with the appraisal
10 district established in the county to administer an assessment
11 imposed under this section.

12 (g) An assessment, a reassessment, or an assessment
13 resulting from an addition to or correction of the assessment roll
14 by the district, penalties and interest on an assessment or
15 reassessment, an expense of collection, and reasonable attorney's
16 fees incurred by the county:

17 (1) are a first and prior lien against the property
18 assessed;

19 (2) are superior to any other lien or claim other than
20 a lien or claim for county, school district, or municipal ad valorem
21 taxes; and

22 (3) are the personal liability of and a charge against
23 the owner of the property even if the owner is not named in the
24 assessment proceedings.

25 (h) The lien is effective from the date of the commissioners
26 court's order imposing the assessment until the date the assessment
27 is paid. The county may enforce the lien in the same manner that the

1 county may enforce an ad valorem tax lien against real property.

2 (i) The lien of an assessment against property runs with the
3 land. The portion of an assessment that has not yet come due is not
4 eliminated by the foreclosure of an ad valorem tax lien, and any
5 purchaser of property in a foreclosure of an ad valorem tax lien
6 takes the property subject to the assessment that has not yet come
7 due and to the lien and terms of the lien's payment under the order
8 imposing the assessment.

9 (j) Delinquent assessments incur interest, penalties, and
10 attorney's fees in the same manner as delinquent ad valorem taxes.
11 The owner of property for which an assessment has been imposed may
12 pay at any time all or any part of the assessment and any interest
13 that has accrued on a delinquent assessment.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.