

BILL ANALYSIS

S.B. 692
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County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that in certain communities the development of subdivisions in recent decades has been staggered, resulting in a patchwork of undeveloped and developed lots and unequal access to vital infrastructure. S.B. 692 seeks to address this issue by providing for a process by which certain counties may apply more current infrastructure requirements to certain subdivisions.

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

S.B. 692 amends the Local Government Code, for purposes of statutory provisions authorizing the commissioners courts of certain counties located near an international border to cancel a subdivision for which the plat was filed and approved before September 1, 1989, if the development of or the making of improvements in the subdivision was not begun before a certain date and the commissioners court by resolution has made a finding that the land in question is likely to be developed as a colonia, to change that date from the effective date of such provisions to June 5, 1995, and to specify that such provisions apply only to real property located in the unincorporated area of the county. The bill defines "nondeveloper owner" for purposes of such provisions as a person who owns one or more lots in a subdivision to be occupied as the owner's personal residence and who has not participated and does not participate in the marketing, promotion, or offering of lots for sale or lease as part of a common promotional plan in the ordinary course of business.

S.B. 692 authorizes 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. The bill requires a regulation or standard adopted by a county under these bill provisions to be no less stringent than the minimum standards and other requirements under the Texas Water Development Board's 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 restricts the applicability of a regulation or standard adopted by a county under these bill provisions 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 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. The bill prohibits a county from applying an order adopted under these bill provisions to a subdivision that is the subject of a judicial proceeding pending on May 1, 2017, to determine whether the subdivision is subject to a valid and existing subdivision plat.

EFFECTIVE DATE

January 1, 2018.