

BILL ANALYSIS

Senate Research Center
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S.B. 692
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

El Paso County has a strong need for a useable inventory of land which may be developed into residential and commercial uses to address future growth.

During the 1950s through the early 1980s, large tracts of land were purchased in far east El Paso and subdivided into small lots and sold to thousands of individuals on speculation that they would be good investments. In 1995, in an effort to stop new colonias from developing, the Texas Legislature passed H.B. 1001, which prohibits lots without water or sewage systems from being sold.

It is estimated that there are near or slightly over 54,000 acres of lots that fit this category within El Paso County. Speculators acquire bundles of these lots; they will make minimum required improvements with water and sewer but do not install other improvements that would be required under the current regulations (i.e., paved streets and curbing). Eventually, as these lots are re-sold and occupied, the residents begin asking for streets, curbs, drainage, lights and other improvements. The areas become de-facto colonias and the local government (in this case the county) is pressured to provide these amenities, which comes at a higher cost given the years of non-utilization.

S.B. 692 amends the Local Government Code to allow the commissioners court of El Paso County to adopt reasonable specifications so areas that have lain dormant for decades will be put on a more equal footing with subdivisions being built today.

As proposed, S.B. 692 amends current law relating to regulation by certain counties of lots in platted subdivisions that have remained undeveloped for 25 years or more.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 232, Local Government Code, by adding Section 232.045, as follows:

Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) Provides that this section applies only to a county with a population of more than 800,000 that is adjacent to an international border.

(b) Authorizes a commissioners court by order to implement a process:

(1) applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after a certain date; and

(2) through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

(c) Requires that a regulation or standard adopted by a county under this section be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services adopted under Section 16.343 (Minimum State Standards and Model Political Subdivision Rules), Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

(d) Provides that a regulation or standard adopted by a county under this section applies 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 each regulation or standard must expressly state that limitation. Defines "common promotional plan."

SECTION 2. Prohibits the county from applying 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, 2017, to determine whether the subdivision is subject to a valid and existing subdivision plat.

SECTION 3. Effective date: January 1, 2018.