

By: Rodríguez

S.B. No. 692

A BILL TO BE ENTITLED

AN ACT

relating to regulation by certain counties of lots in platted subdivisions that have remained undeveloped.

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

SECTION 1. Section 232.008(h), Local Government Code, is amended to read as follows:

(h) Regardless of the date land is subdivided or a plat is filed for a subdivision, the commissioners court may deny a cancellation under this section if the commissioners court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development as defined by Section 232.0395 [232.0085].

SECTION 2. Section 232.0085, Local Government Code, is transferred to Subchapter B, Chapter 232, Local Government Code, redesignated as Section 232.0395, Local Government Code, and amended to read as follows:

Sec. 232.0395 [232.0085]. CANCELLATION OF CERTAIN SUBDIVISIONS IF LAND REMAINS UNDEVELOPED. (a) This section applies only to real property located in the unincorporated area of [+]

~~[(1) outside municipalities and the extraterritorial jurisdiction of municipalities, as determined under Chapter 42, and~~

~~[(2) in]~~ an affected county, as defined by Section 16.341, Water Code, that:

1 (1) has adopted the model rules developed under
2 Section 16.343, Water Code; ~~[7]~~ and

3 (2) is located along an international border.

4 (b) The commissioners court of a county may cancel, after
5 notice and a hearing as required by this section, a subdivision for
6 which the plat was filed and approved before September 1, 1989, if:

7 (1) the development of or the making of improvements
8 in the subdivision was not begun before June 5, 1995 [~~the effective~~
9 ~~date of this section~~]; and

10 (2) the commissioners court by resolution has made a
11 finding that the land in question is likely to be developed as a
12 colonia.

13 (c) The commissioners court must publish notice of a
14 proposal to cancel a subdivision under this section and the time and
15 place of the required hearing in a newspaper of general circulation
16 in the county for at least 21 days immediately before the date a
17 cancellation order is adopted under this section. The county tax
18 assessor-collector shall, not later than the 14th day before the
19 date of the hearing, deposit with the United States Postal Service a
20 similar notice addressed to each owner of land in the subdivision,
21 as determined by the most recent county tax roll.

22 (d) At the hearing, the commissioners court shall permit any
23 interested person to be heard. At the conclusion of the hearing,
24 the court shall adopt an order on whether to cancel the subdivision.
25 The commissioners court may adopt an order canceling a subdivision
26 if the court determines the cancellation is in the best interest of
27 the public. The court may not adopt an order canceling a

1 subdivision if:

2 (1) the cancellation interferes with the established
3 rights of a person who is a nondeveloper owner and owns any part of
4 the subdivision, unless the person agrees to the cancellation; or

5 (2) the owner of the entire subdivision is able to show
6 that:

7 (A) the owner of the subdivision is able to
8 comply with the minimum state standards and model political
9 subdivision rules developed under Section 16.343, Water Code,
10 including any bonding requirements; or

11 (B) the land was developed or improved within the
12 period described by Subsection (b).

13 (e) The commissioners court shall file the cancellation
14 order for recording in the deed records of the county. After the
15 cancellation order is filed and recorded, the property shall be
16 treated as if it had never been subdivided, and the county chief
17 appraiser shall assess the property accordingly. Any liens against
18 the property shall remain against the property as it was previously
19 subdivided.

20 (f) In this section:

21 (1) "Development" means the making, installing, or
22 constructing of buildings and improvements.

23 (2) "Improvements" means water supply, treatment, and
24 distribution facilities; wastewater collection and treatment
25 facilities; and other utility facilities. The term does not
26 include roadway facilities.

27 (3) "Nondeveloper owner" means a person who:

1 (A) owns one or more lots in a subdivision to be
2 occupied as the owner's personal residence; and

3 (B) has not participated and does not participate
4 in the marketing, promotion, or offering of lots for sale or lease
5 as part of a common promotional plan in the ordinary course of
6 business.

7 SECTION 3. Subchapter B, Chapter 232, Local Government
8 Code, is amended by adding Section 232.045 to read as follows:

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

13 (b) A commissioners court by order may implement a process:

14 (1) applicable to a subdivision in which 50 percent or
15 more of the lots are undeveloped or unoccupied on or after the 25th
16 anniversary of the date the plat for the subdivision was recorded
17 with the county; and

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

21 (c) A regulation or standard adopted by a county under this
22 section must be no less stringent than the minimum standards and
23 other requirements under the model rules for safe and sanitary
24 water supply and sewer services adopted under Section 16.343, Water
25 Code, and any other minimum public safety standards that would
26 otherwise be applicable to the subdivision.

27 (d) A regulation or standard adopted by a county under this

1 section applies only to a lot that is owned by an individual, firm,
2 corporation, or other legal entity that directly or indirectly
3 offers lots for sale or lease as part of a common promotional plan
4 in the ordinary course of business, and each regulation or standard
5 must expressly state that limitation. For the purposes of this
6 subsection, "common promotional plan" means a plan or scheme of
7 operation undertaken by a person or a group acting in concert,
8 either personally or through an agent, to offer for sale or lease
9 more than two lots when the land is:

- 10 (1) contiguous or part of the same area of land; or
11 (2) known, designated, or advertised as a common unit
12 or by a common name.

13 SECTION 4. A county may not apply an order adopted under
14 Section 232.045, Local Government Code, as added by this Act, to a
15 subdivision that is the subject of a judicial proceeding pending on
16 May 1, 2017, to determine whether the subdivision is subject to a
17 valid and existing subdivision plat.

18 SECTION 5. This Act takes effect January 1, 2018.