

By: Rodríguez
(González of El Paso)

S.B. No. 1402

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

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

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

(1) 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

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

(c) A regulation or standard adopted by a county under this section must 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, Water Code, and any other minimum public safety standards that would otherwise be applicable to the subdivision.

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

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

14 SECTION 2. Section 232.045, Local Government Code, as added
15 by this Act, does not apply to property that was the subject of a
16 settlement agreement and release incorporating an agreed final
17 judgment that was effective on or before May 1, 2017, or any
18 property that was the subject of an amendment to such settlement
19 agreement and release that was subsequently entered into by the
20 parties.

21 SECTION 3. This Act takes effect January 1, 2020.