

1-1 By: Rodríguez S.B. No. 1402
1-2 (In the Senate - Filed March 1, 2019; March 14, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 4, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
1-6 April 4, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1402 By: Alvarado

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to regulation by certain counties of lots in platted
1-20 subdivisions that have remained undeveloped.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 232, Local Government
1-23 Code, is amended by adding Section 232.045 to read as follows:

1-24 Sec. 232.045. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS
1-25 TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) This section applies
1-26 only to a county with a population of more than 800,000 that is
1-27 adjacent to an international border.

1-28 (b) A commissioners court by order may implement a process:

1-29 (1) applicable to a subdivision in which 50 percent or
1-30 more of the lots are undeveloped or unoccupied on or after the 25th
1-31 anniversary of the date the plat for the subdivision was recorded
1-32 with the county; and

1-33 (2) through which the county, to the extent
1-34 practicable, may apply to the subdivision more current street,
1-35 road, drainage, and other infrastructure requirements.

1-36 (c) A regulation or standard adopted by a county under this
1-37 section must be no less stringent than the minimum standards and
1-38 other requirements under the model rules for safe and sanitary
1-39 water supply and sewer services adopted under Section 16.343, Water
1-40 Code, and any other minimum public safety standards that would
1-41 otherwise be applicable to the subdivision.

1-42 (d) A regulation or standard adopted by a county under this
1-43 section applies only to a lot that is owned by an individual, firm,
1-44 corporation, or other legal entity that directly or indirectly
1-45 offers lots for sale or lease as part of a common promotional plan
1-46 in the ordinary course of business, and each regulation or standard
1-47 must expressly state that limitation. For the purposes of this
1-48 subsection, "common promotional plan" means a plan or scheme of
1-49 operation undertaken by a person or a group acting in concert,
1-50 either personally or through an agent, to offer for sale or lease
1-51 more than two lots when the land is:

1-52 (1) contiguous or part of the same area of land; or

1-53 (2) known, designated, or advertised as a common unit
1-54 or by a common name.

1-55 SECTION 2. Section 232.045, Local Government Code, as added
1-56 by this Act, does not apply to property that was the subject of a
1-57 settlement agreement and release incorporating an agreed final
1-58 judgment that was effective on or before May 1, 2017, or any
1-59 property that was the subject of an amendment to such settlement
1-60 agreement and release that was subsequently entered into by the

2-1 parties.

2-2 SECTION 3. This Act takes effect January 1, 2020.

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