

BILL ANALYSIS

Senate Research Center
87R6066 SMT-F

S.B. 1557
By: Hall
Local Government
4/12/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some Texas counties attempt to control land use and condominium development without the authority to do so by calling a condominium a "subdivision." Specifically, counties attempt to use their regulation of subdivisions via Local Government Code, Chapter 232, to impose subdivision street standards upon condominiums.

For a plat or lot declared, or to be declared, by its owner as a condominium under Texas Property Code, Chapter 82, the county's sole authority under Texas Local Government Code, Chapter 232, is to ensure that the plat or lot has adequate public street frontage and utility easements serving the plat or lot. A county has no authority to prescribe or impose subdivision regulations on the internal site development of a plat or lot declared, or to be declared, as a condominium under Texas Property Code, Chapter 82.

S.B. 1557 specifically prohibits a county from requiring the undivided common interests in a condominium to be subdivided, or any other division of the designated separate ownership interests in the condominium.

It expressly clarifies that a condominium declaration is not a subdivision of land for the purposes of Texas Local Government Code, Chapter 232. It prohibits a county from regulating the internal site development of a tract of land to be declared a condominium or a platted lot declared as a condominium, except to ensure that such a plat has adequate public street frontage or utility easements.

Condominiums should comply with minimum utility, fire, and emergency vehicle ingress and egress requirements, but not subdivision standards of development. The latter can be unnecessarily burdensome because condominium driveways are private, not public, much like multifamily communities.

As proposed, S.B. 1557 amends current law relating to the authority of a county to regulate condominiums.

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 A, Chapter 232, Local Government Code, by adding Section 232.0016, as follows:

Sec. 232.0016. CONDOMINIUM REGULATION. (a) Defines "condominium" and "declaration."

(b) Provides that a condominium declaration is not a subdivision of land for the purposes of Chapter 232 (County Regulation of Subdivisions).

(c) Prohibits a county from requiring the undivided common interests in a condominium to be subdivided or any other division of the designated separate ownership interests in the condominium.

(d) Prohibits a county, except as provided by Subsection (e), from regulating the internal site development of a tract of land to be declared as a condominium or a platted lot declared as a condominium.

(e) Authorizes a county to ensure that a plat for a condominium has adequate public street frontage or utility easements to serve the condominium.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2021.