

House Bill 4374
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.0622 to read as follows:

Sec. 5.0622. ADDITIONAL APPLICABILITY: CERTAIN COUNTIES. (a) This section applies only to a county with a population of less than 100,000 that is located in a metropolitan statistical area as defined by the federal Office of Management and Budget:

- (1) with a population of more than 1.5 million; and
- (2) adjacent to a different metropolitan statistical area as defined by the federal Office of Management and Budget with a population of more than 2 million.

(b) The commissioners court of a county may adopt an order requiring an executory contract for the conveyance of land used or to be used as a residence located in the county to be subject to this subchapter. The order must specify a method for determining whether the land is used or to be used as a residence.

(c) The order may not include an executory contract for the conveyance of land:

- (1) described by Section 5.062(d); or
- (2) that is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution, and for which no part of the land is to be used as a residence.

(d) If a tract described by Subsection (c)(2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, or any part of the land is used as a residence, the executory contract for the conveyance of the land may be included in an order authorized by this section.

SENATE VERSION (CS)

SECTION 1. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.0622 to read as follows:

Sec. 5.0622. ADDITIONAL APPLICABILITY: CERTAIN COUNTIES. (a) This section applies only to a county with a population of less than 100,000 that is located in a metropolitan statistical area as defined by the federal Office of Management and Budget:

- (1) with a population of more than 1.5 million; and
- (2) adjacent to a different metropolitan statistical area as defined by the federal Office of Management and Budget with a population of more than 2 million.

(b) The commissioners court of a county may adopt an order requiring an executory contract for the conveyance of land used or to be used as a residence located in the county to be subject to this subchapter. The order must specify a method for determining whether the land is used or to be used as a residence.

(c) The order may not include an executory contract for the conveyance of land:

- (1) described by Section 5.062(b), (c), or (d); or
- (2) that is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution, and for which no part of the land is to be used as a residence.

(d) If a tract described by Subsection (c)(2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, or any part of the land is used as a residence, the executory contract for the conveyance of the land may be included in an order authorized by this section.

CONFERENCE

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HOUSE VERSION

SECTION 2. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.087 to read as follows:

Sec. 5.087. ADDITIONAL PROVISIONS: CERTAIN COUNTIES. (a) This section applies only to a county adopting an order under Section 5.0622.

(b) The commissioners court may not modify the provisions of this subchapter except the commissioners court may provide in the order that:

(1) an executory contract to which the order applies may not be used to purchase land unless the land meets a minimum frontage requirement on a public road or a private road as specified in the order; and

(2) the conversion authorized by Section 5.081 is required to occur not later than three years after the date the executory contract is entered into.

SECTION 3. Sections 5.0622 and 5.087, Property Code, as added by this Act, apply only to an executory contract entered into on or after the date the commissioners court adopts an order authorized by this Act.

SECTION 4. This Act takes effect September 1, 2021.

SENATE VERSION (CS)

SECTION 2. Subchapter D, Chapter 5, Property Code, is amended by adding Section 5.087 to read as follows:

Sec. 5.087. ADDITIONAL PROVISIONS: CERTAIN COUNTIES. (a) This section applies only to a county adopting an order under Section 5.0622.

(b) The commissioners court may not modify the provisions of this subchapter except the commissioners court may provide in the order that

an executory contract to which the order applies may not be used to purchase land for residential purposes unless the conversion authorized by Section 5.081 is required to occur not later than three years after the date the executory contract is entered into.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE