

## **BILL ANALYSIS**

Senate Research Center  
88R6529 MZM-D

S.B. 580  
By: Zaffirini  
Local Government  
2/27/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

To address the issue of housing developments without adequate water or sewage infrastructure, Section 232.0085 of the Local Government Code allows border counties to cancel subdivision plats filed before September 1, 1989, that have not yet started construction. The county's commissioners court can cancel them after notice and a hearing if the land in question is likely to be developed as an underdeveloped colonia. This provision, however, only applies to subdivisions outside a municipality's extraterritorial jurisdiction (ETJ), and municipalities lack the same authority.

S.B. 580 would expand the cancellation authority of border county commissioners courts to subdivisions within a municipality's ETJ if the land is not regulated by a written agreement granting the municipality authority to regulate subdivisions and related permits within the ETJ. This change would help prevent the establishment of housing developments without adequate infrastructure in ETJs.

As proposed, S.B. 580 amends current law relating to the authority of certain counties to cancel platted subdivisions that have remained undeveloped.

### **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 Section 232.0085(a), Local Government Code, as follows:

(a) Provides that Section 232.0085 (Cancellation of Certain Subdivisions if Land Remains Undeveloped) applies only to real property that:

(1) is located in the unincorporated area of an affected county, as defined by Section 16.341 (Definitions), Water Code, that:

(A) has adopted the model rules developed under Section 16.343 (Minimum State Standards and Model Political Subdivision Rules), Water Code; and

(B) is located along an international border; and

(2) if the area is located in the extraterritorial jurisdiction of a municipality, is not subject to a written agreement under Section 242.001 (Regulation of Subdivisions in Extraterritorial Jurisdiction Generally) that authorizes the municipality to regulate subdivision plats and approve related permits in the extraterritorial jurisdiction.

Deletes existing text providing that this section applies only to real property located outside municipalities and the extraterritorial jurisdiction of municipalities, as determined

under Chapter 42 (Extraterritorial Jurisdiction of Municipalities.) Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2023.