

BILL ANALYSIS

S.B. 2037
By: Bettencourt
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 2037 seeks to restrict certain municipalities in their extraterritorial jurisdictions and certain counties in their unincorporated areas from regulating lot size and density by providing a specific prohibition against municipalities and counties regulating, in applicable areas, the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2037 amends the Local Government Code to specify, with regard to subdivision regulation and the prohibitions against a municipality regulating specified matters in its extraterritorial jurisdiction and against a county commissioners court regulating specified matters within its unincorporated area, that the prohibited regulation is through either direct or indirect regulation. The bill, with regard to a commissioners court, removes the exception to the prohibition that the regulation is otherwise authorized by state law. The bill, with regard to a municipality's prohibited regulation of specified matters in its extraterritorial jurisdiction, retains the exception to the prohibition that the regulation is otherwise authorized by state law. The bill includes among the prohibited regulations for both a municipality and commissioners court the regulation of the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land. The bill, with regard to the prohibited municipal regulation of the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities, removes the condition that the developed tract of land be located in a county with a population of 2.8 million or more and be served either by on-site septic systems constructed before September 1, 2001, that fail to provide adequate services or by on-site water wells constructed before such date that fail to provide an adequate supply of safe drinking water.

S.B. 2037, with regard to the authority of a commissioners court under provisions relating to infrastructure planning provisions in certain urban counties to adopt rules governing plats and subdivisions of land within the unincorporated area of the county, removes the purpose of such

authority as the promotion of the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county and instead specifies that such authority is as authorized by such provisions. The bill repeals provisions relating to the authority of a commissioners court to do the following:

- adopt reasonable standards for minimum lot frontages on existing county roads and establish reasonable standards for the lot frontages in relation to curves in the road; and
- establish applicable, reasonable building and set-back lines.

S.B. 2037 applies only to a plat application filed on or after the bill's effective date. A plat application filed before such date is governed by the law in effect on the date the application was filed and the former law is continued in effect for that purpose.

S.B. 2037 repeals Sections 232.103 and 232.104, Local Government Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.