

BILL ANALYSIS

Senate Research Center
89R27302 SCL-D

C.S.S.B. 2522
By: Bettencourt
Local Government
5/7/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised about onerous lot size and lot density requirements being imposed by municipalities in the extraterritorial jurisdiction and counties in unincorporated areas, without following the restrictions in the Local Government Code.

Clarifications are necessary to ensure that a municipality in the extraterritorial jurisdiction and a county in the unincorporated area may not regulate lot density, including through minimum lot sizes, lot dimensions, lot frontages, lot setbacks.

S.B. 2522 amends Section 212.003, Local Government Code, to prohibit a municipality in its extraterritorial jurisdiction from regulating, directly or indirectly, minimum lot sizes, lot dimensions, lot frontages, lot setbacks, or other components of lot density.

S.B. 2522 also amends Section 232.101, Local Government Code, to prohibit a county in the unincorporated area from regulating, directly or indirectly, minimum lot sizes, lot dimensions, lot frontages, lot setbacks, or other components of lot density.

S.B. 2522 further repeals certain purposes for which a county may adopt rules governing plats and subdivisions of land within the unincorporated area of the county.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2522 amends current law relating to certain powers, limitations, and duties of a municipality and county in the extraterritorial jurisdiction of the municipality and the unincorporated area of the county.

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 D, Chapter 42, Local Government Code, by adding Section 42.1015, as follows:

Sec. 42.1015. APPLICABILITY TO AREAS ANNEXED FOR LIMITED PURPOSES. Provides that, for purposes of Subchapter D (Release of Area by Petition of Landowner or Resident From Extraterritorial Jurisdiction), an area annexed for limited purposes is considered part of the extraterritorial jurisdiction of the municipality that annexed the area for limited purposes. Requires a municipality to disannex the area and release the area from the municipality's extraterritorial jurisdiction in accordance with the petition requirements of this subchapter.

SECTION 2. Amends Subchapter E, Chapter 42, Local Government Code, by adding Section 42.1515, as follows:

Sec. 42.1515. APPLICABILITY TO AREAS ANNEXED FOR LIMITED PURPOSES. Provides that, for purposes of Subchapter E (Release of Area by Election from Extraterritorial Jurisdiction), an area annexed for limited purposes is considered part of the extraterritorial jurisdiction of the municipality that annexed the area for limited purposes. Requires a municipality to disannex the area and release the area from the municipality's extraterritorial jurisdiction in accordance with the election requirements of this subchapter.

SECTION 3. Amends Section 212.003(a), Local Government Code, as follows:

(a) Prohibits a municipality, either directly or indirectly, in its extraterritorial jurisdiction, from regulating certain features of a property, including the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot is required to be set back from a road or property line, or another component of lot density on a particular tract of land.

Deletes existing text authorizing the governing body of a municipality by ordinance to extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 (Rules) and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002 (Definitions), Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. Deletes existing text prohibiting a municipality, however, unless otherwise authorized by state law, in its extraterritorial jurisdiction, from regulating 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 developed tract of land is located in a county with a population of 2.8 million or more and is served by on-site septic systems constructed before September 1, 2001, that fail to provide adequate services or on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water. Makes nonsubstantive changes.

SECTION 4. Amends Sections 232.101(a) and (b), Local Government Code, as follows:

(a) Authorizes the commissioners court, by an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, to adopt rules governing plats and subdivisions of land within the unincorporated area of the county as authorized by Subchapter E (Infrastructure Planning Provisions in Certain Urban Counties), rather than to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

(b) Makes conforming and nonsubstantive changes to this subsection.

SECTION 5. Repealers: Sections 232.103 (Lot Frontages) and 232.104 (Set-Backs), Local Government Code.

SECTION 6. Makes application of Chapters 212 (Municipal Regulation of Subdivisions and Property Development) and 232 (County Regulation of Subdivisions), Local Government Code, prospective.

SECTION 7. Effective date: upon passage or September 1, 2025.