

BILL ANALYSIS

Senate Research Center
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S.B. 2703
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Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Detached condominiums have become increasingly common in Texas and are often used by developers to offer more affordable housing through increased density. Unlike traditional subdivisions, condominiums create individual units and yards under a condominium regime, governed by Chapter 82 of the Texas Property Code. Chapter 82 provides a comprehensive framework for creating and managing condominium regimes, including the preparation and recording of plat and plans by licensed professionals.

Despite these clear and intensive guidelines, inconsistency has emerged in how cities and counties treat condominium projects. Some jurisdictions impose traditional subdivision platting requirements even though Chapter 82 allows condominiums to be created without regulatory approval. A 2004 attorney general's opinion, GA-0223, contributed to this confusion by suggesting condos could be treated as subdivisions, subjecting them to local ordinances. As a result, some local governments require redundant platting processes, complicating development.

S.B. 2703 clarifies that a condominium project that complies with Chapter 82 is not a subdivision for purposes of local subdivision platting requirements. This ensures additional subdivision platting processes are not imposed on a condo project without limiting local governments' authority to regulate or approve development.

As proposed, S.B. 2703 amends current law relating to the authority of a municipality or 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 Section 82.006, Property Code, as follows:

Sec. 82.006. APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES. (a) Creates this subsection from existing text. Creates an exception under this section.

(b) Provides that, notwithstanding any other law, a condominium declaration is not a subdivision of land for purposes of certain chapters of the Local Government Code and a municipality or county is prohibited from requiring the preparation or submission for approval of a subdivision plat in connection with the creation or alteration of a condominium under Chapter 82 (Uniform Condominium Act).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.