

SUBJECT: Removing platting rules that prevent colonias from receiving utilities

COMMITTEE: Border and Intergovernmental Affairs — committee substitute recommended

VOTE: 5 ayes — Gonzales, Flynn, Leibowitz, Olivo, Raymond
0 nays
4 absent — Flores, Guillen, Moody, Shelton

WITNESSES: For — Jerry Garza, Webb County Commissioners Court; Leroy Medford, Webb County Commissioners Court; Rhonda Tiffin, Webb County;
(*Registered, but did not testify*, Rafael Vidaurri, Webb County)

Against — None

On — Robert Doggett, Texas Low Income Housing Information Service

BACKGROUND: Colonias are residential subdivisions usually found in unincorporated areas of counties along the Texas-Mexico border. They often lack sewers, water, electric, or gas services and paved roads, even though such services may have been promised to homeowners by a land developer.

The 74th Legislature enacted HB 1001 by Cuellar, which made several changes to the laws on the enforcement of Model Subdivision Rules. It amended the Local Government Code to regulate subdivisions in affected counties, defined as counties near the Texas-Mexico border that meet Economically Distressed Areas Program (EDAP) income and unemployment criteria. The law required affected counties to apply the model rules to residential subdivisions of four or more lots outside the extraterritorial jurisdictions of cities.

HB 1001 also prohibited sales in affected counties of subdivided lots that are not platted according to model rules. The law prohibited the connection of water and wastewater services to rural residential subdivisions not platted according to the new requirements.

DIGEST:

CSHB 1656 would remove platting requirements that prevent homes in colonias from receiving utility services. The bill would allow the owner or purchaser of a home in a colonia to obtain water, sewer, electricity, gas or other utility services. The bill would only apply to homes in colonias that were in existence before 1989.

The bill would prohibit utilities from providing water services to homes that did not have adequate sewer services. Homes would have to have sewer systems that met minimum state standards in order to receive water services from area utilities. Utilities could not connect water services to homes that used outhouses as sewer systems.

The bill would allow utilities to provide services to homes provided the land:

- was a colonia;
- was located in the extraterritorial jurisdiction of a municipality;
- had not been subdivided since September 1, 2005;
- was the site of a residence with a complete foundation;
- had adequate sewer services; and
- had water services within 750 feet of subdivided land or water services could be extended to the land.

The bill would not prohibit utilities from providing services to areas that:

- receive government funding for inadequate water or wastewater facilities;
- are eligible for funding for inadequate water or wastewater facility improvements;
- would comply with minimum state standards for water and sewer facilities once connected; or
- had been approved for improvements under local government rules.

HB 1656 would prohibit commissioners from approving a plat that was in a flood plain unless the subdivision was developed in compliance with the National Flood Insurance Program and local regulations. The bill would change the definition of subdivider to include legal entities that subdivide land for sale or lease.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

NOTES:

The companion bill, SB 2253 by Zaffirini, was reported favorably, as substituted, by the Senate International Relations and Trade Committee on April 28 and was recommended for the Senate Local and Uncontested Calendar.