

**BILL ANALYSIS**

Senate Research Center  
78R2708 MXM-D

S.B. 535  
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International Relations and Trade  
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**DIGEST AND PURPOSE**

Currently, the Texas border is plagued by a rash of unincorporated subdivisions that lack basic services, such as water, wastewater systems, electricity, and paved roads. These areas are commonly known as “colonias.” As proposed, S.B. 535 provides border counties the necessary tools to prevent the proliferation of colonias and ensure that existing buildings meet the requirements of the International Residential Code.

**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 Title 7B, Local Government Code, by adding Chapter 236, as follows:

CHAPTER 236. REGULATION OF LAND DEVELOPMENT IN CERTAIN COUNTIES  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 236.001. DEFINITIONS. Defines “international residential code” and “residential.”

Sec. 236.002. APPLICABILITY. Provides that this chapter only applies to a county that includes territory within 50 miles of an international border.

[Reserves Sections 236.003-236.050 for expansion.]

SUBCHAPTER B. REGULATORY AUTHORITY

Sec. 236.051. REGULATORY AUTHORITY. (a) Authorizes the commissioners court of the county by order to regulate, by certain measures, residential land development in the unincorporated area of the county to prevent the proliferation of colonias.

(b) Prohibits the commissioners court from regulating land development on a tract of land appraised as agricultural or open-space.

(c) Provides that authority granted under this section does not authorize the commissioners court to adopt an order regulating commercial property that is uninhabitable.

Sec. 236.052. RESIDENTIAL BUILDING CODE. (a) Requires the commissioners court to adopt and apply the International Residential Code, as it existed on May 1, 2003, to certain projects in the unincorporated area of the county, if the commissioners court adopts a residential building code.

(b) Requires the commissioners court to establish procedures to administer and enforce the International Residential Code, if adopted.

(c) Requires the commissioners court to review and consider amendments made by the International Code Council to the International Residential Code after May 1, 2003. Authorizes adoption of amendments.

Sec. 236.053. INSPECTIONS OF RESIDENTIAL STRUCTURES. Requires that a residential structure in the unincorporated area of the county be inspected by a person who meets certain qualifications.

Sec. 236.054. BUILDING PERMITS. (a) Requires the county to issue a building permit to an applicant who provides certain information and complies with applicable regulations.

(b) Authorizes the county to charge a reasonable building permit fee.

(c) Requires the county to deposit a fee collected under this section in an account in the general fund of the county dedicated to the building permit program. Authorizes the funds to be used only for administering the building permit program.

Sec. 236.055. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY ORDER. Provides that in a conflict between an order under this subchapter and a municipal ordinance, the municipal ordinance prevails within the municipality's jurisdiction.

Sec. 236.056. EXISTING COUNTY AUTHORITY UNAFFECTED. Provides that authority granted under this subchapter does not affect the commissioners court's authority under other law.

[Reserves Sections 236.057-236.100 for expansion.]

#### SUBCHAPTER C. ENFORCEMENT

Sec. 236.101. INJUNCTION. Provides that in a suit in district court the county is entitled to appropriate injunctive relief to prevent the violation or threatened violation of an order adopted under this chapter from continuing or occurring.

Sec. 236.102. PENALTY; EXCEPTION. (a) Defines an offense under this chapter and provides that an offense is a Class C misdemeanor.

(b) Prohibits assessment of a building standards or code violation penalty against an owner-occupant classified as low-income by the Texas Department of Housing and Community Affairs, unless the county provides assistance sufficient to cure the violation. Requires assistance to be a grant or loan on payment terms that do not cause housing expenses to exceed 30 percent of the owner-occupant's net income.

SECTION 2. Effective date: upon passage or September 1, 2003.