

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 535
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International Relations and Trade
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Committee Report (Substituted)

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." C.S.S.B. 535 provides border counties the necessary tools to prevent the proliferation of colonias.

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 Chapter 232, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES

Sec. 232.151. **APPLICABILITY.** Provides that this chapter only applies to a county that includes territory within 50 miles of an international border.

Sec. 232.152. **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. 232.153. **BUILDING PERMITS.** (a) Requires the county to issue a building permit to an applicant who provides certain information a 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. 232.154. **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. 232.155. **EXISTING COUNTY AUTHORITY UNAFFECTED.** Provides that

authority granted under this subchapter does not affect the commissioners court's authority under other law.

Sec. 232.156 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 subchapter from continuing or occurring.

Sec. 232.157. PENALTY; EXCEPTION. (a) Defines an offense under this subchapter 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. Amends the heading to Chapter 232, Local Government Code, to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
DEVELOPMENT

SECTION 3. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from the original in SECTION 1 by amending Chapter 232 of the Local Government Code, rather than adding Chapter 236 to that code, renumbering sections accordingly, deleting the sections reserved for expansion, and deleting the sections regarding definitions, the residential building code, and inspections of residential structures.

Differs from the original in SECTION 2 by changing the heading of Chapter 232, Local Government Code, rather than setting the effective date.

Differs from the original by adding SECTION 3 to set the effective date.