

By: Zaffirini

S.B. No. 2253

Substitute the following for S.B. No. 2253:

By: Guillen

C.S.S.B. No. 2253

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipalities and counties to regulate platting requirements near an international border.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.012, Local Government Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsections (j) and (k) to read as follows:

(a) Except as provided by Subsection (c), (d), or (j), an entity described by Subsection (b) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115.

(c) An entity described by Subsection (b) may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115 if:

(1) the land is covered by a development plat approved under Subchapter B or under an ordinance or rule relating to the development plat;

(2) the land was first served or connected with service by an entity described by Subsection (b)(1), (b)(2), or (b)(3) before September 1, 1987; or

(3) the land was first served or connected with

service by an entity described by Subsection (b)(4), (b)(5), or (b)(6) before September 1, 1989~~;~~ or

~~[(4) the municipal authority responsible for approving plats issues a certificate stating that:~~

~~[(A) the land:~~

~~[(i) was sold or conveyed to the person requesting service by any means of conveyance, including a contract for deed or executory contract, before:~~

~~[(a) September 1, 1995, in a county defined under Section 232.022(a)(1); or~~

~~[(b) September 1, 2005, in a county defined under Section 232.022(a)(2);~~

~~[(ii) is located in a subdivision in which the entity has previously provided service;~~

~~[(iii) is located outside the limits of the municipality;~~

~~[(iv) is located in a county to which Subchapter B, Chapter 232, applies; and~~

~~[(v) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before:~~

~~[(a) May 1, 1997, in a county defined under Section 232.022(a)(1); or~~

~~[(b) September 1, 2005, in a county defined under Section 232.022(a)(2); or~~

~~[(B) the land was not subdivided after September 1, 1995, in a county defined under Section 232.022(a)(1); or~~

~~September 1, 2005, in a county defined under Section 232.022(a)(2), and:~~

~~[(i) water service is available within 750 feet of the subdivided land; or~~

~~[(ii) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider].~~

(d) In a county to which Subchapter B, Chapter 232, applies, an entity described by Subsection (b) may serve or connect land with water, sewer, electricity, gas, or other utility service that is located in the extraterritorial jurisdiction of a municipality regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115, if the municipal authority responsible for approving plats issues a certificate stating that:

(1) the subdivided land:

(A) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract, before:

(i) September 1, 1995, in a county defined under Section 232.022(a)(1);

(ii) September 1, 1999, in a county defined under Section 232.022(a)(1) if, on August 31, 1999, the subdivided land was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42; or

(iii) September 1, 2005, in a county

1 defined under Section 232.022(a)(2);

2 (B) has not been subdivided after September 1,  
3 1995, September 1, 1999, or September 1, 2005, as applicable under  
4 Paragraph (A);

5 (C) is the site of construction of a residence,  
6 evidenced by at least the existence of a completed foundation, that  
7 was begun on or before:

8 (i) May 1, 2003, in a county defined under  
9 Section 232.022(a)(1); or

10 (ii) September 1, 2005, in a county defined  
11 under Section 232.022(a)(2); and

12 (D) has had adequate sewer services installed to  
13 service the lot or dwelling, as determined by an authorized agent  
14 responsible for the licensing or permitting of on-site sewage  
15 facilities under Chapter 366, Health and Safety Code;

16 (2) the subdivided land is a lot of record as defined  
17 by Section 232.021(6-a) that is located in a county defined by  
18 Section 232.022(a)(1) and has adequate sewer services installed  
19 that are fully operable to service the lot or dwelling, as  
20 determined by an authorized agent responsible for the licensing or  
21 permitting of on-site sewage facilities under Chapter 366, Health  
22 and Safety Code; or

23 (3) the land was not subdivided after September 1,  
24 1995, in a county defined under Section 232.022(a)(1), or September  
25 1, 2005, in a county defined under Section 232.022(a)(2), and:

26 (A) water service is available within 750 feet of  
27 the subdivided land; or

1                   (B) water service is available more than 750 feet  
2 from the subdivided land and the extension of water service to the  
3 land may be feasible, subject to a final determination by the water  
4 service provider.

5           (e) An entity described by Subsection (b) may provide  
6 utility service to land described by Subsection (d)(1), (2), or (3)  
7 ~~[(c)(4)(A)]~~ only if the person requesting service:

8                   (1) is not the land's subdivider or the subdivider's  
9 agent; and

10                   (2) provides to the entity a certificate described by  
11 Subsection (d) ~~[(c)(4)(A)]~~.

12           (f) ~~[(e)]~~ A person requesting service may obtain a  
13 certificate under Subsection (d)(1), (2), or (3) ~~[(c)(4)(A)]~~ only  
14 if the person is the owner or purchaser of the subdivided land and  
15 provides to the municipal authority responsible for approving plats  
16 documentation containing ~~[either]~~:

17                   (1) a copy of the means of conveyance or other  
18 documents that show that the land was sold or conveyed by a  
19 subdivider ~~[to the person requesting service]~~ before September 1,  
20 1995, before September 1, 1999, or before September 1, 2005, as  
21 applicable under Subsection (d) ~~[, and a notarized affidavit by that~~  
22 ~~person that states that construction of a residence on the land,~~  
23 ~~evidenced by at least the existence of a completed foundation, was~~  
24 ~~begun on or before May 1, 1997, or on or before September 1, 2005, as~~  
25 ~~applicable]; [or]~~

26                   (2) for a certificate issued under Subsection (d)(1),  
27 a notarized affidavit by the person requesting service that states

1 ~~that [the property was sold or conveyed to that person before~~  
2 ~~September 1, 1995, or before September 1, 2005, as applicable, and~~  
3 ~~that]~~ construction of a residence on the land, evidenced by at least  
4 the existence of a completed foundation, was begun on or before May  
5 1, 2003, in a county defined by Section 232.022(a)(1) or September  
6 1, 2005, in a county defined by Section 232.022(a)(2), and the  
7 request for utility connection or service is to connect or serve a  
8 residence described by Subsection (d)(1)(C);

9 (3) a notarized affidavit by the person requesting  
10 service that states that the subdivided land has not been further  
11 subdivided after September 1, 1995, September 1, 1999, or September  
12 1, 2005, as applicable under Subsection (d); and

13 (4) evidence that adequate sewer service or facilities  
14 have been installed and are fully operable to service the lot or  
15 dwelling from an entity described by Subsection (b) or the  
16 authorized agent responsible for the licensing or permitting of  
17 on-site sewage facilities under Chapter 366, Health and Safety Code  
18 ~~[May 1, 1997, or on or before September 1, 2005, as applicable.~~

19 ~~[(f) A person requesting service may obtain a certificate~~  
20 ~~under Subsection (c)(4)(B) only if the person provides to the~~  
21 ~~municipal authority responsible for approving plats an affidavit~~  
22 ~~that states that the property was not sold or conveyed to that~~  
23 ~~person from a subdivider or the subdivider's agent after September~~  
24 ~~1, 1995, or after September 1, 2005, as applicable].~~

25 (j) Except as provided by Subsection (k), this section does  
26 not prohibit a water or sewer utility from providing in a county  
27 defined by Section 232.022(a)(1) water or sewer utility connection

or service to a residential dwelling that:

(1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in a county described by Section 232.022(a)(1);

(2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;

(3) when connected, will comply with the minimum state standards for both water and sewer facilities and as prescribed by the model subdivision rules adopted under Section 16.343, Water Code; and

(4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order, resolution, or interlocal agreement under Chapter 791, Government Code.

(k) A utility may not serve any subdivided land with water utility connection or service under Subsection (j) unless the entity receives a determination that adequate sewer services have been installed to service the lot or dwelling from the municipal authority responsible for approving plats, an entity described by Subsection (b), or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code.

SECTION 2. Section 232.021, Local Government Code, is

amended by adding Subdivision (6-a) and amending Subdivision (12) to read as follows:

(6-a) "Lot of record" means:

(A) a lot, the boundaries of which were established by a plat recorded in the office of the county clerk before September 1, 1989, that has not been subdivided after September 1, 1989; or

(B) a lot, the boundaries of which were established by a metes and bounds description in a deed of conveyance, a contract of sale, or other executory contract to convey real property that has been legally executed and recorded in the office of the county clerk before September 1, 1989, that has not been subdivided after September 1, 1989.

(12) "Subdivider" means an individual, firm, corporation, or other legal entity [~~that owns any interest in land and~~] that directly or indirectly subdivides land into lots for sale or lease as part of a common promotional plan in the ordinary course of business.

SECTION 3. Subsection (b), Section 232.024, Local Government Code, is amended to read as follows:

(b) If any part of a plat applies to land intended for residential housing and any part of that land lies in a floodplain, the commissioners court shall not approve the plat unless:

(1) the subdivision is developed in compliance with the minimum requirements of the National Flood Insurance Program and local regulations or orders adopted under Section 16.315, Water Code; and

1           (2) the plat evidences a restrictive covenant  
2 prohibiting ~~[as required by this subsection. The restrictive~~  
3 ~~covenant shall prohibit]~~ the construction of residential housing in  
4 any area of the subdivision that is in a floodplain unless the  
5 housing is developed in compliance with the minimum requirements of  
6 ~~[qualifies for insurance under]~~ the National Flood Insurance  
7 Program and local regulations or orders adopted under Section  
8 16.315, Water Code ~~[Act of 1968 (42 U.S.C. Sections 4001 through~~  
9 ~~4127)]~~.

10           SECTION 4. Section 232.025, Local Government Code, is  
11 amended to read as follows:

12           Sec. 232.025. SUBDIVISION REQUIREMENTS. By an order  
13 adopted and entered in the minutes of the commissioners court, and  
14 after a notice is published in English and Spanish in a newspaper of  
15 general circulation in the county, the commissioners court shall  
16 for each subdivision:

17           (1) require a right-of-way on a street or road that  
18 functions as a main artery in a subdivision, of a width of not less  
19 than 50 feet or more than 100 feet;

20           (2) require a right-of-way on any other street or road  
21 in a subdivision of not less than 40 feet or more than 70 feet;

22           (3) require that the shoulder-to-shoulder width on  
23 collectors or main arteries within the right-of-way be not less  
24 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder  
25 width on any other street or road be not less than 18 ~~[25]~~ feet or  
26 more than 35 feet;

27           (4) adopt, based on the amount and kind of travel over

1 each street or road in a subdivision, reasonable specifications  
2 relating to the construction of each street or road;

3 (5) adopt reasonable specifications to provide  
4 adequate drainage for each street or road in a subdivision in  
5 accordance with standard engineering practices;

6 (6) require that each purchase contract made between a  
7 subdivider and a purchaser of land in the subdivision contain a  
8 statement describing how and when water, sewer, electricity, and  
9 gas services will be made available to the subdivision; and

10 (7) require that the subdivider of the tract execute a  
11 bond in the manner provided by Section 232.027.

12 SECTION 5. Subchapter B, Chapter 232, Local Government  
13 Code, is amended by adding Section 232.0251 to read as follows:

14 Sec. 232.0251. STANDARD FOR ROADS IN SUBDIVISION. (a)  
15 Except as provided by Subsection (b) or (c), a county may not impose  
16 under Section 232.025 a higher standard for streets or roads in a  
17 subdivision than the county imposes on itself for the construction  
18 of streets or roads with a similar type and amount of traffic.

19 (b) A county may maintain a less stringent street or road  
20 construction standard for county roads or streets that were  
21 established, acquired, or constructed before September 1, 2009.

22 (c) A county may establish and maintain less stringent  
23 construction standards for roads or streets that are acquired,  
24 dedicated, or donated through an acquisition project undertaken by  
25 the county to convert an existing privately owned or maintained  
26 street or easement into a public right-of-way or easement for  
27 public access or utility purposes.

SECTION 6. Subsection (b), Section 232.028, Local Government Code, is amended to read as follows:

(b) On the commissioners court's own motion or on the written request of a subdivider, an owner or resident of a lot in a subdivision, or an entity that provides a utility service, the commissioners court shall make the following determinations regarding the land in which the entity or commissioners court is interested that is located within the jurisdiction of the county:

(1) whether a plat has been prepared and whether it has been reviewed and approved by the commissioners court;

(2) whether water service facilities have been constructed or installed to service the lot or subdivision under Section 232.023 and are fully operable;

(3) whether sewer service facilities have been constructed or installed to service the lot or subdivision under Section 232.023 and are fully operable, or if septic systems are used, whether the lot is served by a permitted on-site sewage facility or lots in the subdivision can be adequately and legally served by septic systems under Section 232.023; and

(4) whether electrical and gas facilities, if available, have been constructed or installed to service the lot or subdivision under Section 232.023.

SECTION 7. Section 232.029, Local Government Code, is amended by amending Subsections (b), (c), (d), (e), and (i) and adding Subsections (n) and (o) to read as follows:

(b) Except as provided by Subsections (c) and (k) or Section 232.037(c), a utility may not serve or connect any subdivided land

1 with electricity or gas unless the entity receives a determination  
2 from the county commissioners court under Sections [~~Section~~]  
3 232.028(b)(2) and (3) that adequate water and sewer services have  
4 been installed to service the lot or subdivision.

5 (c) An electric, gas, water, or sewer service utility may  
6 serve or connect subdivided land with water, sewer, electricity,  
7 gas, or other utility service regardless of whether the utility  
8 receives a certificate issued by the commissioners court under  
9 Section 232.028(a) or receives a determination from the  
10 commissioners court under Section 232.028(b) if the utility is  
11 provided with a certificate issued by the commissioners court that  
12 states that:

13 (1) the subdivided land:

14 (A) was sold or conveyed by a subdivider [~~to the~~  
15 ~~person requesting service~~] by any means of conveyance, including a  
16 contract for deed or executory contract:

17 (i) before September 1, 1995; or

18 (ii) before September 1, 1999, if the  
19 subdivided land on August 31, 1999, was located in the  
20 extraterritorial jurisdiction of a municipality as determined by  
21 Chapter 42;

22 (B) has not been subdivided after September 1,  
23 1995, or September 1, 1999, as applicable under Paragraph (A) [~~is~~  
24 ~~located in a subdivision in which the utility has previously~~  
25 ~~provided service~~]; [~~and~~]

26 (C) is the site of construction of a residence,  
27 evidenced by at least the existence of a completed foundation, that

was begun[+]

~~[(i) on or before May 1, 1997; or~~

~~[(ii)] on or before May 1, 2003; and~~

(D) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code;

(2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code~~[, if the subdivided land on August 31, 1999, was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42]; or~~

(3) [(2)] the land was not subdivided after September 1, 1995, and:

(A) water service is available within 750 feet of the subdivided land; or

(B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(d) A utility may provide utility service to subdivided land described by Subsection (c)(1), (2), or (3) only if the person requesting service:

(1) is not the land's subdivider or the subdivider's

1 agent; and

2 (2) provides to the utility a certificate described by  
3 Subsection (c) ~~[(c)(1)]~~.

4 (e) A person requesting service may obtain a certificate  
5 under Subsection (c)(1), (2), or (3) only if the person is the owner  
6 or purchaser of the subdivided land and provides to the  
7 commissioners court documentation containing ~~[either]~~:

8 (1) ~~[documentation containing:~~  
9 ~~[(A)]~~ a copy of the means of conveyance or other  
10 documents that show that the land was sold or conveyed by a  
11 subdivider before September 1, 1995, or before September 1, 1999,  
12 as applicable under Subsection (c);

13 (2) ~~[to the person requesting service:~~  
14 ~~[(i) before September 1, 1995, or~~  
15 ~~[(ii) before September 1, 1999, if the~~  
16 ~~subdivided land on August 31, 1999, was located in the~~  
17 ~~extraterritorial jurisdiction of a municipality as determined by~~  
18 ~~Chapter 42, and~~

19 ~~[(B)]~~ a notarized affidavit by that person  
20 requesting service under Subsection (c)(1) that states that  
21 construction of a residence on the land, evidenced by at least the  
22 existence of a completed foundation, was begun~~+~~

23 ~~[(i) on or before May 1, 1997, or~~  
24 ~~[(ii)]~~ on or before May 1, 2003, and the  
25 request for utility connection or service is to connect or serve a  
26 residence described by Subsection (c)(1)(C);

27 (3) ~~[if the subdivided land on August 31, 1999, was~~

~~located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42; or~~

~~[(2)]~~ a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after~~+~~

~~[(A) the property was sold or conveyed to that person;~~

~~[(i) before] September 1, 1995,~~+ or

~~[(ii) before] September 1, 1999,~~ as applicable under Subsection (c); and

(4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling from an entity described by Section 232.021(14) or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code  
~~[if the subdivided land on August 31, 1999, was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42; and~~

~~[(B) construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun;~~

~~[(i) on or before May 1, 1997; or~~

~~[(ii) on or before May 1, 2003, if the subdivided land on August 31, 1999, was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42].~~

(i) The prohibition established by this section shall not

1 prohibit a water, sewer, [an] electric, or gas utility from  
 2 providing water, sewer, electric, or gas utility connection or  
 3 service to a lot ~~[being]~~ sold, conveyed, or purchased through a  
 4 contract for deed or executory contract or other device by a  
 5 subdivider prior to July 1, 1995, or September 1, 1999, if on August  
 6 31, 1999, the subdivided land was located in the extraterritorial  
 7 jurisdiction of a municipality that has adequate sewer services  
 8 installed that are fully operable to service the lot, as determined  
 9 by an authorized agent responsible for the licensing or permitting  
 10 of on-site sewage facilities under Chapter 366, Health and Safety  
 11 Code, [which is located within a subdivision where the utility has  
 12 ~~previously established service]~~ and was subdivided by a plat  
 13 approved prior to September 1, 1989.

14 (n) Except as provided by Subsection (o), this section does  
 15 not prohibit a water or sewer utility from providing water or sewer  
 16 utility connection or service to a residential dwelling that:

17 (1) is provided water or wastewater facilities under  
 18 or in conjunction with a federal or state funding program designed  
 19 to address inadequate water or wastewater facilities in colonias or  
 20 to residential lots located in a county described by Section  
 21 232.022(a)(1);

22 (2) is an existing dwelling identified as an eligible  
 23 recipient for funding by the funding agency providing adequate  
 24 water and wastewater facilities or improvements;

25 (3) when connected, will comply with the minimum state  
 26 standards for both water and sewer facilities and as prescribed by  
 27 the model subdivision rules adopted under Section 16.343, Water

1 Code; and

2 (4) is located in a project for which the municipality  
3 with jurisdiction over the project or the approval of plats within  
4 the project area has approved the improvement project by order,  
5 resolution, or interlocal agreement under Chapter 791, Government  
6 Code, if applicable.

7 (o) A utility may not serve any subdivided land with water  
8 utility connection or service under Subsection (n) unless the  
9 entity receives a determination from the county commissioners court  
10 under Section 232.028(b)(3) that adequate sewer services have been  
11 installed to service the lot or dwelling.

12 SECTION 8. Subsection (a), Section 232.031, Local  
13 Government Code, is amended to read as follows:

14 (a) Except as provided by Subsection (d), a subdivider may  
15 not sell or lease land in a subdivision first platted or replatted  
16 after July 1, 1995, unless the subdivision plat is approved by the  
17 commissioners court in accordance with Section 232.024. The  
18 subdivider may market, promote, advertise, and execute an earnest  
19 money contract in relation to the sale or lease of land in the  
20 subdivision before the subdivision plat is approved.

21 SECTION 9. Subchapter B, Chapter 232, Local Government  
22 Code, is amended by adding Section 232.045 to read as follows:

23 Sec. 232.045. COUNTY DEVELOPMENT PERMIT REQUIRED. (a) In  
24 this section:

25 (1) "Development or develop" means new construction or  
26 substantial improvement of any structure.

27 (2) "Structure" means a walled and roofed building

1 that is principally above ground. The term includes manufactured  
2 homes, transportable structures, and recreational vehicles.

3 (3) "Substantial improvement" means:

4 (A) the reconstruction, rehabilitation,  
5 restoration, addition, remodeling, or improvement of a structure,  
6 the cost of which equals or exceeds 50 percent of the market value  
7 of the structure before the start of construction of the  
8 improvement; or

9 (B) a change in occupancy of a building that  
10 results in a change in the purpose or use of a structure from a  
11 nonresidential use to a residential use.

12 (b) This section applies to a tract of land that is 10 acres  
13 or less and that is located in the unincorporated area of a county  
14 described by Section 232.022(a).

15 (c) Notwithstanding any conflicting law, including any  
16 conflicting rule, regulation, or order adopted under that law, the  
17 platting requirements under Subchapter A apply to each tract of  
18 land covered by this section that is more than five acres but not  
19 more than 10 acres. The platting requirements under this  
20 subchapter apply to each tract of land covered by this section that  
21 is five acres or less.

22 (d) A person may not commence construction or a substantial  
23 improvement to a structure unless the person obtains a county  
24 development permit issued in accordance with this section and the  
25 applicable rules, regulations, or orders of the county in which the  
26 development is located. The commissioners court may adopt rules,  
27 regulations, and orders as necessary for the administration and

1 enforcement of this section.

2       (e) A notice of the authorized use, residential or  
3 nonresidential, as appropriate, for each tract of land covered by  
4 this section that is more than five acres but not more than 10 acres  
5 must be included in both English and Spanish on the face of the plat  
6 if platting requirements must be met in relation to the tract under  
7 applicable law or a person otherwise chooses to file a plat. A  
8 uniform written notice, prescribed by the county in both English  
9 and Spanish, of the authorized use must be attached to contracts,  
10 deeds, and notices to purchasers that relate to the tract. The  
11 bilingual notice to a purchaser prescribed by the county in  
12 accordance with this subsection must also be attached to all  
13 written documents relating to the sale and must include a reference  
14 to the infrastructure requirements of this section and inform the  
15 purchaser that it is the purchaser's responsibility to satisfy the  
16 county that the infrastructure requirements of this section have or  
17 will be met before obtaining a development permit or occupying a  
18 residential structure constructed on the land subject to the  
19 permit.

20       (f) A person may not occupy a residential structure covered  
21 by this section if the structure is without infrastructure and  
22 services that comply with this section and with applicable rules,  
23 regulations, or orders of the county in which the residential  
24 structure is located.

25       (g) By order adopted and entered in the minutes of the  
26 commissioners court, the court may designate an official,  
27 department head, or county employee to perform the necessary duties

1 and functions to administer a county order under this section. If a  
2 designation is made under this subsection, the commissioners court  
3 shall establish an appeal procedure and sit as the appeal body for  
4 any appeal or grievance of an applicant for a development permit in  
5 regard to an action or decision of the court's designee.

6 (h) The commissioners court or the court's designee shall  
7 issue a development permit to a person submitting an application  
8 for the permit only if the person:

9 (1) has met the infrastructure and certification  
10 requirements for the land subject to the permit application;

11 (2) has met the applicable platting requirements  
12 under:

13 (A) Subchapter A, if the tract of land is more  
14 than five acres but not more than 10 acres; or

15 (B) this subchapter, if the tract of land is five  
16 acres or less;

17 (3) has complied, or will comply through development,  
18 with the minimum requirements of the National Flood Insurance Act  
19 of 1968 (42 U.S.C. Sections 4001-4127) and local regulations and  
20 orders of the county adopted under Section 16.315, Water Code;

21 (4) has connected, or will connect through  
22 development, to water and sewer service facilities in compliance  
23 with applicable state law and rules, orders, or regulations that  
24 the county shall establish to ensure that water and sewer service  
25 facilities are provided to residential structures covered by this  
26 section, including any rule adopted under Section 16.343 or 17.934,  
27 Water Code;

1           (5) has connected, or will connect through  
2 development, electricity and gas, if available, with connections  
3 that meet, or will meet, the minimum state standards;

4           (6) has complied, or will comply through development,  
5 with all plat restrictions, limitations, and conditions  
6 established by a recorded plat approved by the commissioners court;

7           (7) has complied, or will comply through development,  
8 with all building set-back requirements established by a recorded  
9 plat approved by the commissioners court or by county order under  
10 Section 233.032 or other law;

11           (8) has submitted applicable fees, required  
12 documentation, or other information established by the county for  
13 the issuance of a development permit under this section;

14           (9) if the tract of land is more than five acres but  
15 not more than 10 acres, has only a single residence on the tract or  
16 will have only a single residence on the tract after the  
17 construction allowed by the development permit is complete; and

18           (10) if the tract of land is more than five acres but  
19 not more than 10 acres and if platting requirements must be met in  
20 relation to the tract under applicable law or the person otherwise  
21 chooses to file a plat, has complied with the requirement to include  
22 a bilingual notice of authorized use on the face of the plat in  
23 accordance with Subsection (e).

24           (i) By order adopted and entered in the minutes of the  
25 commissioners court, the court may charge a reasonable fee to cover  
26 the costs of administering the issuance of development permits and  
27 enforcing the requirements under this section. Fees collected

1 under this subsection may be used only to defray those costs.

2 (j) The commissioners court or the court's designee shall  
3 issue a written list of the documentation and other information  
4 that must be submitted as part of the development permit  
5 application. The documentation or other information must relate to  
6 a requirement authorized under this section or other applicable  
7 law. If a person submits an application that does not include all  
8 of the documentation or other information required by this  
9 subsection, the commissioners court or the court's designee shall  
10 notify the applicant, not later than the 15th business day after the  
11 date of receipt by the commissioners court or the court's designee,  
12 of the missing documentation or other information. The county's  
13 orders adopted under this section must allow for a timely  
14 submission of the missing documentation or other information.

15 (k) A development permit application is considered to be  
16 complete when all documentation or other information required by  
17 Subsection (j) and all applicable fees charged under Subsection (i)  
18 are received by the county. Acceptance by the commissioners court  
19 or the court's designee of a completed application may not be  
20 construed as approval of the application.

21 (l) The commissioners court or the court's designee shall  
22 take final action on the approval or disapproval of an application  
23 for a development permit not later than the 30th day after the date  
24 a completed application is received by the commissioners court or  
25 the court's designee. If the application is disapproved, the  
26 commissioners court or the court's designee shall provide to the  
27 applicant a complete list of the reasons for the disapproval. If

1 the commissioners court or the court's designee fails to take final  
2 action on the application for a development permit as required by  
3 this subsection, the permit application is approved by operation of  
4 law.

5 (m) The county may conduct inspections to ensure compliance  
6 with an application submitted or a permit issued under this  
7 section.

8 (n) The county's authority granted under this section is  
9 cumulative of and in addition to the authority granted under this  
10 chapter and under other law pertaining to county regulation of the  
11 subdivision or development of land.

12 (o) A person commits an offense if the person knowingly  
13 fails to obtain a development permit in accordance with this  
14 section or a rule, regulation, or order adopted in accordance with  
15 this section. A person commits an offense if the person knowingly  
16 fails to comply with a rule, regulation, or order adopted in  
17 accordance with this section or knowingly violates the prohibition  
18 on occupancy prescribed by Subsection (f). An offense under this  
19 subsection is a Class C misdemeanor, except that the offense is a  
20 Class B misdemeanor if it is shown on the trial of the offense that  
21 the defendant has knowingly caused five or more residential  
22 structures to be constructed, substantially improved, or occupied  
23 in violation of this section or a rule, regulation, or order adopted  
24 in accordance with this section.

25 (p) The county, in a suit brought by the appropriate  
26 attorney representing the county in a district court of that  
27 county, is entitled to appropriate injunctive relief to prevent the

1 violation or threatened violation of a provision of this section  
2 from occurring or continuing.

3         SECTION 10. Subsection (f), Section 232.029, Local  
4 Government Code, is repealed.

5         SECTION 11. This Act takes effect immediately if it  
6 receives a vote of two-thirds of all the members elected to each  
7 house, as provided by Section 39, Article III, Texas Constitution.  
8 If this Act does not receive the vote necessary for immediate  
9 effect, this Act takes effect September 1, 2009.