

1-1 By: Lucio S.B. No. 2005
 1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 26, 2019, reported favorably by the following
 1-5 vote: Yeas 4, Nays 3; April 26, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner		X		
1-9 Alvarado	X			
1-10 Campbell		X		
1-11 Fallon	X			
1-12 Menéndez	X			
1-13 Nichols		X		

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to authorizing certain border counties and municipalities
 1-18 in those counties to address population growth and prevent the
 1-19 proliferation of substandard dwellings; creating a criminal
 1-20 offense; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 242, Local Government Code, is amended
 1-23 by adding Subchapter B to read as follows:

1-24 SUBCHAPTER B. DEVELOPMENT REGULATIONS IN CERTAIN BORDER COUNTIES
 1-25 AND MUNICIPALITIES LOCATED IN THOSE COUNTIES

1-26 Sec. 242.051. APPLICABILITY. This subchapter applies only
 1-27 to:

1-28 (1) a county with a population of more than 400,000
 1-29 that is:

1-30 (A) located along an international border; and
 1-31 (B) adjacent to another county with a population
 1-32 of more than 400,000; or

1-33 (2) a municipality located in that county if:

1-34 (A) the county does not exercise in the
 1-35 municipality's extraterritorial jurisdiction the authority
 1-36 described by this subchapter; and

1-37 (B) the county by resolution authorizes the
 1-38 municipality to exercise in the municipality's extraterritorial
 1-39 jurisdiction the authority described by this subchapter.

1-40 Sec. 242.052. REGULATORY AUTHORITY. (a) The
 1-41 commissioners court of a county to which this subchapter applies
 1-42 may, by order, regulate residential land development in the
 1-43 unincorporated area of the county. The governing body of a
 1-44 municipality to which this subchapter applies may, by ordinance,
 1-45 regulate residential land development in the municipality's
 1-46 extraterritorial jurisdiction. By this authority, the
 1-47 commissioners court or governing body may prevent the proliferation
 1-48 of colonias and other areas with substandard buildings by:

1-49 (1) adopting regulations relating to:

1-50 (A) maximum densities, including the size of
 1-51 lots;

1-52 (B) the height, number of stories, size, or
 1-53 number of buildings or other structures that may be located on a lot
 1-54 or tract;

1-55 (C) the location of buildings and other
 1-56 structures on a lot or tract; and

1-57 (D) the preparation of a plan for utility
 1-58 development, environmental effect and adaptation, utility
 1-59 extension, and capacity planning and providing financial analysis
 1-60 of the plan; and

1-61 (2) adopting building codes to promote safe and

2-1 uniform building, plumbing, and electrical standards.

2-2 (b) If a tract of land is appraised as agricultural or
 2-3 open-space land by the appraisal district, the commissioners court
 2-4 or governing body may not regulate land development on that tract
 2-5 under the authority granted by Subsection (a)(1)(B) or (C) or
 2-6 (a)(2).

2-7 (c) The authority granted under this section does not
 2-8 authorize the commissioners court or governing body to adopt an
 2-9 order regulating commercial property that is uninhabitable.

2-10 (d) The authority granted under this section does not
 2-11 authorize the commissioners court or governing body to adopt an
 2-12 order that limits or otherwise impairs the rights of individuals or
 2-13 entities in the exploration, development, or production of oil,
 2-14 gas, or other minerals.

2-15 Sec. 242.053. BUILDING PERMITS. (a) The county or
 2-16 municipality, as appropriate, shall issue a building permit if the
 2-17 person submitting the application for the permit:

2-18 (1) files information relating to the location of the
 2-19 residence;

2-20 (2) files the building plans for the residence; and

2-21 (3) complies with the applicable regulations relating
 2-22 to the issuance of the permit.

2-23 (b) The county or municipality may charge a reasonable
 2-24 building permit fee.

2-25 (c) The county or municipality shall deposit fees collected
 2-26 under this section in an account in its general fund and dedicate
 2-27 the fees to the building permit program. The funds in the account
 2-28 may be used only for the purpose of administering the building
 2-29 permit program.

2-30 Sec. 242.054. MUNICIPAL ORDINANCE PREVAILS OVER COUNTY
 2-31 ORDER. If an order adopted by the county under this subchapter
 2-32 conflicts with an ordinance of a municipality, the municipal
 2-33 ordinance prevails within the municipality's jurisdiction to the
 2-34 extent of the conflict.

2-35 Sec. 242.055. EXISTING AUTHORITY UNAFFECTED. The authority
 2-36 granted by this subchapter does not affect the authority of the
 2-37 commissioners court or governing body to adopt an order or
 2-38 ordinance under other law.

2-39 Sec. 242.056. INJUNCTION. The county or municipality, in a
 2-40 suit brought by the appropriate attorney representing the county or
 2-41 municipality in the district court, is entitled to appropriate
 2-42 injunctive relief to prevent the violation or threatened violation
 2-43 of the entity's order or ordinance adopted under this subchapter
 2-44 from continuing or occurring.

2-45 Sec. 242.057. PENALTY; EXCEPTION. (a) A person commits an
 2-46 offense if the person violates a restriction or prohibition imposed
 2-47 by an order or ordinance adopted under this subchapter. An offense
 2-48 under this section is a Class C misdemeanor.

2-49 (b) It is an exception to the application of this section
 2-50 that:

2-51 (1) the person is an owner-occupant of a residential
 2-52 dwelling that is classified by the Texas Department of Housing and
 2-53 Community Affairs as a low-income household;

2-54 (2) the dwelling was constructed before the effective
 2-55 date of this subchapter;

2-56 (3) the violation related to a building standard or
 2-57 building code for that dwelling; and

2-58 (4) the county or municipality, as appropriate:

2-59 (A) did not make available to the person a grant
 2-60 or loan in an amount sufficient to cure the violation; or

2-61 (B) made available to the person a loan that was
 2-62 sufficient to cure the violation but that caused the housing
 2-63 expenses of the person to exceed 30 percent of the person's net
 2-64 income.

2-65 SECTION 2. The heading to Chapter 242, Local Government
 2-66 Code, is amended to read as follows:

2-67 CHAPTER 242. AUTHORITY OF MUNICIPALITY AND COUNTY TO REGULATE
 2-68 SUBDIVISIONS AND PROPERTY DEVELOPMENT [IN AND OUTSIDE
 2-69 MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION]

3-1 SECTION 3. Chapter 242, Local Government Code, is amended
3-2 by designating Sections 242.001, 242.0015, 242.002, and 242.003 as
3-3 Subchapter A and adding a subchapter heading to read as follows:

3-4 SUBCHAPTER A. AUTHORITY TO REGULATE SUBDIVISIONS IN AND OUTSIDE
3-5 MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION

3-6 SECTION 4. This Act takes effect immediately if it receives
3-7 a vote of two-thirds of all the members elected to each house, as
3-8 provided by Section 39, Article III, Texas Constitution. If this
3-9 Act does not receive the vote necessary for immediate effect, this
3-10 Act takes effect September 1, 2019.

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