

BILL ANALYSIS

S.B. 1402
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County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports indicate that there are thousands of acres of undeveloped lots with no infrastructure in El Paso County that speculators acquire, make minimal improvements to, and resell. It has been noted that many of these lots are eventually used for residential purposes but lack important features such as paved streets, curbs, and drainage. There have been calls to ensure that these lots are subject to certain standards and requirements relating to such features. S.B. 1402 seeks to address this issue by allowing certain counties to establish a process through which the county may impose infrastructure requirements on subdivisions in which a majority of its lots have been undeveloped or unoccupied for 25 years or more.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1402 amends the Local Government Code to authorize a commissioners court of a county with a population of more than 800,000 that is adjacent to an international border to implement by order a process applicable to a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied on or after the 25th anniversary of the date the plat for the subdivision was recorded with the county and through which the county, to the extent practicable, may apply to the subdivision more current street, road, drainage, and other infrastructure requirements.

S.B. 1402 requires a regulation or standard adopted by a county under the bill's provisions to be no less stringent than the minimum standards and other requirements under the model rules for safe and sanitary water supply and sewer services in residential areas of political subdivisions and any other minimum public safety standards that would otherwise be applicable to the subdivision. The bill limits application of such a county-adopted regulation or standard to a lot that is owned by an individual, firm, corporation, or other legal entity that directly or indirectly offers lots for sale or lease as part of a common promotional plan in the ordinary course of business and establishes that each regulation or standard must expressly state that limitation. The bill defines "common promotional plan" for such purposes.

S.B. 1402 does not apply to property that was the subject of a settlement agreement and release incorporating an agreed final judgment that was effective on or before May 1, 2017, or any

property that was the subject of an amendment to such settlement agreement and release that was subsequently entered into by the parties.

EFFECTIVE DATE

January 1, 2020.