

BILL ANALYSIS

Senate Research Center

S.B. 1410
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Border Affairs - Special
3/24/1999
As Filed

DIGEST

In economically distressed areas, a significant number of lots were sold in existing colonias before HB1001 became effective in September, 1995. In order to bring water and wastewater to these lots, the colonias must be platted, which is nearly impossible with the level and kind of development existing. S.B. 1410 would allow county commissioners to grant variances to platting requirements if a majority of the lots in the subdivision were sold prior to September 1, 1995.

PURPOSE

As proposed, S.B. 1410 establishes variances from platting requirements for existing subdivisions in certain counties when water and/or wastewater services have not been available previously.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 232B, Local Government Code, by adding Section 232.043, as follows:

Sec. 232.043. VARIANCES FROM PLATTING REQUIREMENTS FOR EXISTING SUBDIVISIONS CONDITIONED ON WATER AND WASTEWATER AVAILABILITY. Authorizes the commissioners court to grant a delay or variance for the subdivision under this section from the requirements of certain sections. Authorizes the commissioners court to grant a delay or variance on an individual lot-by-lot basis from the requirements for setbacks or restrictions on the number of residences on a lot contained in the Model Subdivision Rules developed under Section 16.343, Water Code. Sets forth conditions under this section by which the commissioners court may grant a variance. Sets forth requirements for the commissioners court, if the court grants a delay or variance under this section. Provides that a variance may be granted, if the commissioners court finds that the person who subdivided the land and created the unplatted subdivision continues to own property in the subdivision, providing certain conditions apply. Provides that failure of the office of the attorney general to comment or object to any variance granted does not constitute any waiver of or agreement to the legality of the variance. Prohibits a person from selling more than four lots in the subdivision before approved water and sewer are made available to the subdivision. Provides that this section does not abrogate any civil or criminal prosecution or affect the validity of any penalty against a subdivider for a violation of law, regardless of the date on which the violation occurred.

SECTION 2. Amends the section heading to Section 232.042, Local Government Code, as follows:

Sec. 232.042. New heading: VARIANCES FROM REPLATTING REQUIREMENTS.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.