

## **BILL ANALYSIS**

Senate Research Center  
79R6349 DRH-F

S.B. 1430  
By: Madla  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, Subchapter B, Chapter 232, Local Government Code, addresses subdivision platting requirements in a county, any part of which is located within 50 miles of an international border. Section 232.022 states that the subchapter applies only to land that is subdivided into two or more lots that are intended primarily for residential use and are outside the corporate limits of a municipality. A lot is presumed to be intended for residential use if the lot is five acres or less.

However, Section 232.022 further states that the subchapter does not apply if each of the lots of the subdivision is 10 or more acres. This disparity between the five and ten acres in this section has led to confusion regarding the ability of the county to regulate certain subdivisions. This in turn has led to abuses whereby developers have subdivided land into lots of more than five acres (arguing that this exempts them from the platting requirement) and sold these lots for residential purposes.

As proposed, S.B. 1430 amends Section 232.022 to clarify that, with certain exceptions, the subdivision of land into lots of 10 acres or less is subject to certain platting requirements of Subchapter B of Chapter 232, Local Government Code.

### **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 Section 232.022, Local Government Code, as follows:

Sec. 232.022. APPLICABILITY. Provides that this subchapter applies only to a division of land in the jurisdiction of the county into two or more parts to lay out in a certain manner. Deletes existing text relating to the layout of the division of land. Provides that this subchapter does not apply if the owner does not lay out a part of the tract described by Subsection (b)(3) and the division is incident to the conveyance of land under certain circumstances. Deletes existing text relating to each of the subdivisions being 10 or more acres.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.