

BILL ANALYSIS

Senate Research Center
80R6392 PAM-D

S.B. 781
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As part of Texas' effort to remediate the conditions associated with substandard housing (i.e. colonias) caused by unscrupulous developers, and to prevent the proliferation of such substandard dwellings, the legislature authorized county officials and the Office of the Attorney General (OAG) to seek assistance from the courts. Under Section 232.037 (Enforcement), Local Government Code, county officials and the OAG may request that a court of law to enjoin the violation or threatened violation of Texas' colonia prevention laws. Unfortunately, counties with the highest concentration of colonias are among the poorest counties in the state and have not had the financial resources or manpower to seek such a court remedy. Additionally, the federal grant that the OAG initially used to fund the enforcement of the colonia prevention laws expired in 2001 and since then no additional resources have been provided by the state for the needed enforcement. As a consequence, unscrupulous developers have capitalized on the lack of enforcement by selling illegally plotted lots of land which are in direct violation of the state's colonia prevention statutes.

As proposed, S.B. 781 provides victims of unscrupulous developers the same legal remedy currently afforded to county and state officials. This bill authorizes, at the request of the consumer, district courts to enjoin the violation or threatened violation of Texas' colonia prevention laws and requires the developer of the illegally plotted land to bring the lots into compliance with state law.

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 232.038(a), Local Government Code, as follows:

(a) (1) Makes a conforming change.

(2) Authorizes a person who has purchased or is purchasing a lot after July 1, 1995, in a subdivision that does not have the required sewer and water services to bring suit in the district court in which the property is located or a district court in Travis County to enjoin a violation or threatened violation of Section 232.032 (Additional Requirements: Use of Groundwater), require the subdivider to plat or replat under Section 232.040 (Replating), and recover certain monies from the subdivider, including two times the actual expenses incurred as a direct result of the failure to provide adequate water and sewer facilities.

SECTION 2. Effective date: upon passage, or September 1, 2007.