

BILL ANALYSIS

Senate Research Center
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S.B. 360
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 212.014, Local Government Code, allows for replatting property without vacating the original plat if the replat does not attempt to amend or remove any covenants or restrictions. Furthermore, all proposed replats that change or remove building lines must have all owners of property covered by the original plat sign the replat. For 23 years, the City of Houston allowed a person to replat a piece of property and remove or change building lines with only the signatures of the current owners of the property covered by the proposed replat. In July, 2006, the Houston Planning Commission (commission) and city legal department changed their interpretation of the term "covenant and restrictions." The new interpretation includes building lines shown on a plat. Due to this interpretation, the commission is not approving proposed replats that change or remove building lines unless all owners of property covered by the original plat sign the replat.

As proposed, S.B. 360 specifies that "covenants and restrictions" are only relevant if they are contained or referenced in a recorded dedicatory instrument. This bill conforms state law with Houston's method of handling replats from 1983 through mid-2006. This bill is bracketed to the City of Houston.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 212.014, Local Government Code, as follows:

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. (a) Creates this subsection from existing text.

(b) Provides that this subsection applies only to a replat or part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more. Defines "covenants or restrictions."

SECTION 2. ACTS AND PROCEEDINGS VALIDATED. (a) Provides that this section applies only to a municipality with a population of 1.9 million or more that approved the replat or attempted replat of a subdivision or a part of a subdivision before the effective date of this Act.

(b) Provides that the governmental acts and proceedings of the municipality relating to the approval of a replat or attempted replat of a subdivision or a part of a subdivision by the municipality are validated as of the dates they occurred and prohibits such acts and proceedings from being held invalid because they were not performed in accordance with Chapter 212 (Municipal Regulation of Subdivisions and Property Developments), Local Government Code, or other law.

(c) Prohibits the governmental acts and proceedings of the municipality occurring after a replat or attempted replat of a subdivision or a part of a subdivision by the municipality from being held invalid on the ground that the replat or attempted replat, in the absence of this section, was invalid.

(d) Provides that this section does not apply to any matter that, on the effective date of this Act, is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court or has been held invalid by a final judgment of a court.

SECTION 3. EFFECTIVE DATE: upon passage or September 1, 2007.