

file
AES

AN ACT

1
2 relating to remedies available if a subdivider fails to provide
3 water or sewer services in certain subdivisions near an
4 international border.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subsection (a), Section 232.038, Local
7 Government Code, is amended to read as follows:

8 (a) Except as provided by Subsection (b), a person who has
9 purchased or is purchasing a lot after July 1, 1995, in a
10 subdivision for residential purposes that does not have water and
11 sewer services as required by this subchapter and is located in an
12 economically distressed area, as defined by Section 17.921, Water
13 Code, from a subdivider, may bring suit in the district court in
14 which the property is located or in a district court in Travis
15 County to:

16 (1) declare the sale of the property void, ~~and~~
17 require the subdivider to return the purchase price of the
18 property, ~~and~~ and

19 ~~(2)~~ recover from the subdivider:

20 (A) the market value of any permanent
21 improvements the person placed on the property;

22 (B) actual expenses incurred as a direct result
23 of the failure to provide adequate water and sewer facilities;

24 (C) court costs; and

1 (D) reasonable attorney's fees; or

2 (2) enjoin a violation or threatened violation of
3 Section 232.032, require the subdivider to plat or replat under
4 Section 232.040, and recover from the subdivider:

5 (A) actual expenses incurred as a direct result
6 of the failure to provide adequate water and sewer facilities;

7 (B) court costs; and

8 (C) reasonable attorney's fees.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.

David Dewhurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 781 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0.

Patsey Gau
Secretary of the Senate

I hereby certify that S.B. No. 781 passed the House on May 17, 2007, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State