

By: Gámez, Lopez of Cameron, Longoria,
Guillen

H.B. No. 3680

A BILL TO BE ENTITLED

AN ACT

relating to subdivision plat requirements in certain counties;
authorizing a fee; authorizing a civil penalty; creating a criminal
offense.

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

SECTION 1. Section 212.012(d), Local Government Code, is
amended to read as follows:

(d) In a county to which Subchapter B or G, Chapter 232,
applies, an entity described by Subsection (b) may serve or connect
land with water, sewer, electricity, gas, or other utility service
that is located in the extraterritorial jurisdiction of a
municipality regardless of whether the entity is presented with or
otherwise holds a certificate applicable to the land issued under
Section 212.0115, if the municipal authority responsible for
approving plats issues a certificate stating that:

(1) the subdivided land:

(A) was sold or conveyed by a subdivider by any
means of conveyance, including a contract for deed or executory
contract, before:

(i) September 1, 1995, in a county defined
under Section 232.022(a)(1);

(ii) September 1, 1999, in a county defined
under Section 232.022(a)(1) if, on August 31, 1999, the subdivided
land was located in the extraterritorial jurisdiction of a

municipality as determined by Chapter 42; or

(iii) September 1, 2005, in a county defined under Section 232.022(a)(2);

(B) has not been subdivided after September 1, 1995, September 1, 1999, or September 1, 2005, as applicable under Paragraph (A);

(C) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before:

(i) May 1, 2003, in a county defined under Section 232.022(a)(1); or

(ii) September 1, 2005, in a county defined under Section 232.022(a)(2); and

(D) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code;

(2) the subdivided land is a lot of record as defined by Section 232.021(6-a) that is located in a county defined by Section 232.022(a)(1) and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code; or

(3) the land was not subdivided after September 1, 1995, in a county defined under Section 232.022(a)(1), or September 1, 2005, in a county defined under Section 232.022(a)(2), and:

(A) water service is available within 750 feet of the subdivided land; or

(B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

SECTION 2. Section 232.0015(b), Local Government Code, is amended to read as follows:

(b) Except as provided by Section 232.0013, this subchapter does not apply to a subdivision of land to which Subchapter B or G applies.

SECTION 3. Section 232.022, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), this ~~[This]~~ subchapter applies only to:

(1) a county any part of which is located within 50 miles of an international border; or

(2) a county:

(A) any part of which is located within 100 miles of an international border;

(B) that contains the majority of the area of a municipality with a population of more than 250,000; and

(C) to which Subdivision (1) does not apply.

(a-1) This subchapter does not apply to a county to which Subchapter G applies.

SECTION 4. Section 232.071, Local Government Code, is

amended to read as follows:

Sec. 232.071. APPLICABILITY. This subchapter applies only to the subdivision of land located:

(1) outside the corporate limits of a municipality; and

(2) in a county:

(A) in which is located a political subdivision that is eligible for and has applied for financial assistance under Section 15.407, Water Code, or Subchapter K, Chapter 17, Water Code; and

(B) to which Subchapters ~~[Subchapter]~~ B and G do ~~[does]~~ not apply.

SECTION 5. Section 232.091, Local Government Code, is amended to read as follows:

Sec. 232.091. APPLICABILITY. This subchapter applies only to a county:

(1) authorized to establish a planning commission under Subchapter B, ~~[or]~~ C, or G; and

(2) in which the commissioners court by order elects to operate under this subchapter.

SECTION 6. Chapter 232, Local Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SUBDIVISION PLATTING REQUIREMENTS IN CERTAIN

COUNTIES NEAR INTERNATIONAL BORDER AND GULF OF MEXICO

Sec. 232.201. DEFINITIONS. In this subchapter:

(1) "Board" means the Texas Water Development Board.

(2) "Common promotional plan" means any plan or scheme

of operation undertaken by a single subdivider or a group of subdividers acting in concert, either personally or through an agent, to offer for sale or lease lots when the land is:

(A) contiguous or part of the same area of land;
or

(B) known, designated, or advertised as a common unit or by a common name.

(3) "Executive administrator" means the executive administrator of the Texas Water Development Board.

(4) "Floodplain" means any area in the 100-year floodplain that is susceptible to being inundated by water from any source or that is identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

(5) "Lease" includes an offer to lease.

(6) "Lot" means a parcel into which land is divided.

(7) "Lot of record" means:

(A) a lot, the boundaries of which were established by a plat recorded in the office of the county clerk before September 1, 1989, that has not been subdivided after September 1, 1989; or

(B) a lot, the boundaries of which were established by a metes and bounds description in a deed of conveyance, a contract of sale, or other executory contract to convey real property that has been legally executed and recorded in the office of the county clerk before September 1, 1989, that has not been subdivided after September 1, 1989.

1 (8) "Minimum state standards" means the minimum
2 standards set out for:

3 (A) adequate drinking water by or under Section
4 16.343(b)(1), Water Code;

5 (B) adequate sewer facilities by or under Section
6 16.343(c)(1), Water Code; or

7 (C) the treatment, disposal, and management of
8 solid waste by or under Chapters 361 and 364, Health and Safety
9 Code.

10 (9) "Plat" means a map, chart, survey, plan, or replat
11 containing a description of the subdivided land with ties to
12 permanent landmarks or monuments.

13 (10) "Sell" includes an offer to sell.

14 (11) "Sewer," "sewer services," or "sewer facilities"
15 means treatment works as defined by Section 17.001, Water Code, or
16 individual, on-site, or cluster treatment systems such as septic
17 tanks and includes drainage facilities and other improvements for
18 proper functioning of septic tank systems.

19 (12) "Subdivide" means to divide the surface area of
20 land into lots.

21 (13) "Subdivider" means an individual, firm,
22 corporation, or other legal entity that directly or indirectly
23 subdivides land into lots for sale or lease as part of a common
24 promotional plan in the ordinary course of business.

25 (14) "Subdivision" means an area of land that has been
26 subdivided into lots for sale or lease.

27 (15) "Utility" means a person, including a legal

entity or political subdivision, that provides the services of:

(A) an electric utility, as defined by Section
31.002, Utilities Code;

(B) a gas utility, as defined by Section 101.003,
Utilities Code; or

(C) a water and sewer utility, as defined by
Section 13.002, Water Code.

Sec. 232.202. APPLICABILITY. (a) This subchapter applies
only to a county that borders:

(1) the United Mexican States; and

(2) the Gulf of Mexico.

(b) This subchapter applies only to land that is subdivided
into two or more lots of which at least one lot is less than five
acres in area. This subchapter does not apply if the subdivision:

(1) is incident to the conveyance of the land as a gift
between persons related to each other within the third degree by
affinity or consanguinity, as determined under Chapter 573,
Government Code; or

(2) has received an exemption from a county under
Section 16.350(d), Water Code.

(c) Except as provided by Subsection (d), for purposes of
this section, land is considered to be in the jurisdiction of a
county if the land is located in the county and outside the
corporate limits of municipalities.

(d) Land in a municipality's extraterritorial jurisdiction
is not considered to be in the jurisdiction of a county for purposes
of this section if the municipality and the county have entered into

1 a written agreement under Section 242.001 that authorizes the
2 municipality to regulate subdivision plats and approve related
3 permits in the municipality's extraterritorial jurisdiction.

4 (e) This subchapter does not apply if all of the lots of the
5 subdivision are five acres or more in area.

6 Sec. 232.203. PLAT REQUIRED. (a) A subdivider of land must
7 have a plat of the subdivision prepared if at least one of the lots
8 of the subdivision is less than five acres. A commissioners court
9 may require each subdivider of land to prepare a plat if none of the
10 lots is less than five acres but at least one of the lots of a
11 subdivision is more than five acres but not more than 10 acres.

12 (b) A subdivision of a tract under this section includes a
13 subdivision of real property by any method of conveyance, including
14 a contract for deed, oral contract, contract of sale, or other type
15 of executory contract, regardless of whether the subdivision is
16 made by using a metes and bounds description.

17 (c) A plat required under this section must:

18 (1) be certified by a surveyor or engineer registered
19 to practice in this state;

20 (2) define the subdivision by metes and bounds;

21 (3) locate the subdivision with respect to an original
22 corner of the original survey of which it is a part;

23 (4) describe each lot, number each lot in progression,
24 and give the dimensions of each lot;

25 (5) state the dimensions of and accurately describe
26 each lot, street, alley, square, park, or other part of the tract
27 intended to be dedicated to public use or for the use of purchasers

or owners of lots fronting on or adjacent to the street, alley, square, park, or other part;

(6) include or have attached a document containing a description in English and Spanish of the water and sewer facilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable;

(7) have attached a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities proposed under Subdivision (6) are in compliance with the model rules adopted under Section 16.343, Water Code, and a certified estimate of the cost to install water and sewer service facilities;

(8) provide for drainage in the subdivision to:

(A) avoid concentration of storm drainage water from each lot to adjacent lots;

(B) provide positive drainage away from all buildings; and

(C) coordinate individual lot drainage with the general storm drainage pattern for the area;

(9) include a description of the drainage requirements as provided in Subdivision (8);

(10) identify the topography of the area;

(11) include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a

1 floodplain; and

2 (12) include certification that the subdivider has
3 complied with the requirements of Section 232.216 and that:

4 (A) the water quality and connections to the lots
5 meet, or will meet, the minimum state standards;

6 (B) sewer connections to the lots or septic tanks
7 meet, or will meet, the minimum requirements of state standards;

8 (C) electrical connections provided to the lot
9 meet, or will meet, the minimum state standards; and

10 (D) gas connections, if available, provided to
11 the lot meet, or will meet, the minimum state standards.

12 (d) A subdivider may meet the requirements of Subsection
13 (c)(12)(B) through the use of a certificate issued by the
14 appropriate county or state official having jurisdiction over the
15 approval of septic systems stating that lots in the subdivision can
16 be adequately and legally served by septic systems.

17 (e) The subdivider of the tract must acknowledge the plat by
18 signing the plat and attached documents and attest to the veracity
19 and completeness of the matters asserted in the attached documents
20 and in the plat.

21 (f) The plat must be filed and recorded with the county
22 clerk of the county in which the tract is located. The plat is
23 subject to the filing and recording provisions of Section 12.002,
24 Property Code.

25 (g) The commissioners court may require a plat application
26 submitted for approval to include a digital map that is compatible
27 with other mapping systems used by the county and that

georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Natural Resources Code. A digital map required under this subsection may be required only in a format widely used by common geographic information system software. A requirement adopted under this subsection must provide for an exemption from the requirement if the subdivider of the tract submits with the plat application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible.

Sec. 232.204. EXCEPTIONS TO PLAT REQUIREMENT. (a) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) the lots are sold to adjoining landowners; and
- (2) the lots are added to the adjoining parcel of land owned by the purchasers.

(b) The purchaser of a lot described by Subsection (a) shall provide to the commissioners court a metes and bounds description of the adjoining parcel of land owned by the purchaser that has been updated to reflect the addition of the purchased lot to the adjoining parcel of land.

(c) A county may, subject to Subsection (d), in its sole discretion and on a determination that good cause exists, grant an exception to the plat requirements of this subchapter for an individual lot that the county determines:

- (1) is located within 50 feet of a connection to a

1 municipal water service;

2 (2) is adjacent to a public road;

3 (3) has either:

4 (A) sufficient space to accommodate a sewer
5 service facility that complies with the model rules adopted under
6 Section 16.343, Water Code; or

7 (B) a connection to an existing public sewer
8 service within 50 feet; and

9 (4) a civil engineer registered to practice in this
10 state and not affiliated with the owner of the lot has certified:

11 (A) has adequate drainage; and

12 (B) is not in a floodplain.

13 (d) Before granting an exception under Subsection (c), the
14 commissioners court must make a finding that specifies the reasons
15 for the court's determination that:

16 (1) good cause exists to grant the exception; and

17 (2) the lot meets the requirements for the exception
18 under Subsection (c).

19 (e) The commissioners court shall enter in the record of the
20 court's proceedings:

21 (1) the court's findings under Subsection (d); and

22 (2) the information submitted to the court to support
23 the court's determination under Subsection (c).

24 (f) The commissioners court may adopt rules and procedures
25 necessary to administer and enforce this section.

26 Sec. 232.205. APPROVAL BY COUNTY REQUIRED. (a) A plat
27 filed under Section 232.203 is not valid unless the commissioners

1 court of the county in which the land is located approves the plat
2 by an order entered in the minutes of the court. The commissioners
3 court shall refuse to approve a plat if it does not meet the
4 requirements prescribed by or under this subchapter or if any bond
5 required under this subchapter is not filed with the county clerk.

6 (b) If any part of a plat applies to land intended for
7 residential housing and any part of that land lies in a floodplain,
8 the commissioners court shall not approve the plat unless:

9 (1) the subdivision is developed in compliance with
10 the minimum requirements of the National Flood Insurance Program
11 and local regulations or orders adopted under Section 16.315, Water
12 Code; and

13 (2) the plat evidences a restrictive covenant
14 prohibiting the construction of residential housing in any area of
15 the subdivision that is in a floodplain unless the housing is
16 developed in compliance with the minimum requirements of the
17 National Flood Insurance Program and local regulations or orders
18 adopted under Section 16.315, Water Code.

19 (c) On request, the county clerk shall provide the attorney
20 general or the Texas Water Development Board:

21 (1) a copy of each plat that is approved under this
22 subchapter; or

23 (2) the reasons in writing and any documentation that
24 support a variance granted under Section 232.226.

25 (d) The commissioners court of the county in which the land
26 is located may establish a planning commission as provided by
27 Subchapter D. The planning commission, including its findings and

decisions, is subject to the same provisions applicable to the commissioners court under this subchapter, including Section 232.218 relating to conflicts of interest.

Sec. 232.206. DELEGATION OF APPROVAL RESPONSIBILITY. (a) The commissioners court of a county or the court's designee may delegate to one or more officers or employees of the county the ability to approve, approve with conditions, or disapprove a plat that:

(1) is amending a plat under Section 232.011; or
(2) involves four or fewer lots that each meet the requirements under Section 232.204(c).

(b) An applicant has the right to appeal to the commissioners court or the court's designee if the designated person disapproves a plat.

Sec. 232.207. SUBDIVISION REQUIREMENTS. By an order adopted and entered in the minutes of the commissioners court, and after a notice is published in English and Spanish in a newspaper of general circulation in the county, the commissioners court shall for each subdivision:

(1) require a right-of-way on a street or road that functions as a main artery in a subdivision, of a width of not less than 50 feet or more than 100 feet;

(2) require a right-of-way on any other street or road in a subdivision of not less than 40 feet or more than 70 feet;

(3) require that the shoulder-to-shoulder width on collectors or main arteries within the right-of-way be not less than 32 feet or more than 56 feet, and that the shoulder-to-shoulder

width on any other street or road be not less than 25 feet or more than 35 feet;

(4) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road;

(5) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices;

(6) require that each purchase contract made between a subdivider and a purchaser of land in the subdivision contain a statement describing how and when water, sewer, electricity, and gas services will be made available to the subdivision; and

(7) require that the subdivider of the tract execute a bond in the manner provided by Section 232.209.

Sec. 232.208. WATER AND SEWER SERVICE EXTENSION. (a) The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the water and sewer service facilities must be fully operable if the commissioners court finds the extension is reasonable and not contrary to the public interest.

(b) The commissioners court may not grant an extension under Subsection (a) if it would allow an occupied residence to be without water or sewer services.

(c) If the commissioners court provides an extension, the commissioners court shall notify the attorney general of the extension and the reason for the extension. The attorney general shall notify all other state agencies having enforcement power over

1 subdivisions of the extension.

2 Sec. 232.209. BOND REQUIREMENTS. (a) Except as provided by
3 Subsection (c), unless a person has completed the installation of
4 all water and sewer service facilities required by this subchapter
5 on the date that person applies for final approval of a plat under
6 Section 232.205, the commissioners court shall require the
7 subdivider of the tract to execute and maintain in effect a bond or,
8 in the alternative, a person may make a cash deposit in an amount
9 the commissioners court determines will ensure compliance with this
10 subchapter. A person may not meet the requirements of this
11 subsection through the use of a letter of credit unless that letter
12 of credit is irrevocable and issued by an institution guaranteed by
13 the FDIC. The subdivider must comply with the requirement before
14 subdividing the tract.

15 (b) A bond required by this section must, for a bond for
16 construction of water and sewer service facilities, be conditioned
17 on the construction or installation of facilities that will be in
18 compliance with the model rules adopted under Section 16.343, Water
19 Code.

20 (c) The commissioners court may, in its sole discretion,
21 allow a person to stop maintaining a bond for construction of sewer
22 service facilities under this section for a lot that does not have
23 an installed sewer service facility if:

24 (1) the person has completed the installation of all
25 water facilities and roads and streets required by this subchapter;

26 (2) the owner of the lot has not resided on the lot for
27 a period of 60 months after the date of execution of the deed to the

owner;

(3) the person delivers to the commissioners court an affidavit as described by Subsection (d) from the owner; and

(4) the lot has sufficient space to accommodate a sewage facility that complies with Chapter 366, Health and Safety Code, and the construction standards for On-Site Sewage Facilities adopted by the Texas Commission on Environmental Quality and other law and rules applicable to sewage facilities.

(d) The affidavit under Subsection (c)(3) must include language substantially similar to the following:

"I understand that the seller of my lot is obligated to install an on-site sewage facility on the lot or maintain a bond for the installation of an on-site sewage facility for a period of 60 months after the date I purchased the lot. I affirm that I have not resided on my lot for the previous 60 months. I understand that I may not be eligible to receive water or electricity service unless I install a septic facility on my lot. I voluntarily assume all financial responsibility to hire a licensed installer to install an on-site sewage facility that complies with:

(1) Subchapter G, Chapter 232, Local Government Code, regarding subdivision platting requirements;

(2) the model rules adopted under Section 16.343(c), Water Code, regarding septic systems;

(3) Chapter 366, Health and Safety Code; and

(4) the construction standards for On-Site Sewage Facilities adopted by the Texas Commission on Environmental Quality and other law and rules applicable to sewage facilities."

1 Sec. 232.210. CERTIFICATION REGARDING COMPLIANCE WITH PLAT
2 REQUIREMENTS. (a) On the approval of a plat by the commissioners
3 court, the commissioners court shall issue to the person applying
4 for the approval a certificate stating that the plat has been
5 reviewed and approved by the commissioners court.

6 (b) On the commissioners court's own motion or on the
7 written request of a subdivider, an owner or resident of a lot in a
8 subdivision, or an entity that provides a utility service, the
9 commissioners court shall make the following determinations
10 regarding the land in which the entity or commissioners court is
11 interested that is located within the jurisdiction of the county:

12 (1) whether a plat has been prepared and whether it has
13 been reviewed and approved by the commissioners court;

14 (2) whether water service facilities have been
15 constructed or installed to service the lot or subdivision under
16 Section 232.203 and are fully operable;

17 (3) whether sewer service facilities have been
18 constructed or installed to service the lot or subdivision under
19 Section 232.203 and are fully operable, or if septic systems are
20 used, whether the lot is served by a permitted on-site sewage
21 facility or lots in the subdivision can be adequately and legally
22 served by septic systems under Section 232.203; and

23 (4) whether electrical and gas facilities, if
24 available, have been constructed or installed to service the lot or
25 subdivision under Section 232.203.

26 (c) The request made under Subsection (b) must identify the
27 land that is the subject of the request.

1 (d) Whenever a request is made under Subsection (b), the
2 commissioners court shall issue the requesting party a written
3 certification of its determinations under that subsection.

4 (e) The commissioners court shall make its determinations
5 within 20 days after the date it receives the request under
6 Subsection (b) and shall issue the certificate, if appropriate,
7 within 10 days after the date the determinations are made.

8 (f) The commissioners court may adopt rules it considers
9 necessary to administer its duties under this section.

10 (g) The commissioners court may impose a fee for a
11 certificate issued under this section for a subdivision which is
12 located in the county and not within the limits of a municipality.
13 The amount of the fee may be the greater of \$30 or the amount of the
14 fee imposed by the municipality for a subdivision that is located
15 entirely in the extraterritorial jurisdiction of the municipality
16 for a certificate issued under Section 212.0115. A person who
17 obtains a certificate under this section is not required to obtain a
18 certificate under Section 212.0115.

19 Sec. 232.211. CONNECTION OF UTILITIES. (a) Except as
20 provided by Subsection (c) or Section 232.221(c), a utility may not
21 serve or connect any subdivided land with water or sewer services
22 unless the utility receives a certificate issued by the
23 commissioners court under Section 232.210(a) or receives a
24 determination from the commissioners court under Section
25 232.210(b)(1) that the plat has been reviewed and approved by the
26 commissioners court.

27 (b) An electric, gas, water, or sewer service utility may

1 serve or connect subdivided land with water, sewer, electricity,
2 gas, or other utility service regardless of whether the utility
3 receives a certificate issued by the commissioners court under
4 Section 232.210(a) or receives a determination from the
5 commissioners court under Section 232.210(b) if the utility is
6 provided with a certificate issued by the commissioners court that
7 states that:

8 (1) the subdivided land:

9 (A) was sold or conveyed by a subdivider by any
10 means of conveyance, including a contract for deed or executory
11 contract:

12 (i) before September 1, 1995; or

13 (ii) before September 1, 1999, if the
14 subdivided land on August 31, 1999, was located in the
15 extraterritorial jurisdiction of a municipality as determined by
16 Chapter 42;

17 (B) has not been subdivided after September 1,
18 1995, or September 1, 1999, as applicable under Paragraph (A);

19 (C) is the site of construction of a residence,
20 evidenced by at least the existence of a completed foundation, that
21 was begun on or before May 1, 2003; and

22 (D) has had adequate sewer services installed to
23 service the lot or dwelling, as determined by an authorized agent
24 responsible for the licensing or permitting of on-site sewage
25 facilities under Chapter 366, Health and Safety Code;

26 (2) the subdivided land is a lot of record and has
27 adequate sewer services installed that are fully operable to

service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code; or

(3) the land was not subdivided after September 1, 1995, and:

(A) water service is available within 750 feet of the subdivided land; or

(B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(c) A utility may provide utility service to subdivided land described by Subsection (b)(1), (2), or (3) only if the person requesting service:

(1) is not the land's subdivider or the subdivider's agent; and

(2) provides to the utility a certificate described by Subsection (b).

(d) A person requesting service may obtain a certificate under Subsection (b)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the commissioners court documentation containing:

(1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a subdivider before September 1, 1995, or before September 1, 1999, as applicable under Subsection (b);

(2) a notarized affidavit by that person requesting

1 service under Subsection (b)(1) that states that construction of a
2 residence on the land, evidenced by at least the existence of a
3 completed foundation, was begun on or before May 1, 2003, and the
4 request for utility connection or service is to connect or serve a
5 residence described by Subsection (b)(1)(C);

6 (3) a notarized affidavit by the person requesting
7 service that states that the subdivided land has not been further
8 subdivided after September 1, 1995, or September 1, 1999, as
9 applicable under Subsection (b); and

10 (4) evidence that adequate sewer service or facilities
11 have been installed and are fully operable to service the lot or
12 dwelling from an entity described by Section 232.201(15) or the
13 authorized agent responsible for the licensing or permitting of
14 on-site sewage facilities under Chapter 366, Health and Safety
15 Code.

16 (e) On request, the commissioners court shall provide to the
17 attorney general and any appropriate local, county, or state law
18 enforcement official a copy of any document on which the
19 commissioners court relied in determining the legality of providing
20 service.

21 (f) This section may not be construed to abrogate any civil
22 or criminal proceeding or prosecution or to waive any penalty
23 against a subdivider for a violation of a state or local law,
24 regardless of the date on which the violation occurred.

25 (g) The prohibition established by this section shall not
26 prohibit a water, sewer, electric, or gas utility from providing
27 water, sewer, electric, or gas utility connection or service to a

1 lot sold, conveyed, or purchased through a contract for deed or
2 executory contract or other device by a subdivider prior to July 1,
3 1995, or September 1, 1999, if on August 31, 1999, the subdivided
4 land was located in the extraterritorial jurisdiction of a
5 municipality that has adequate sewer services installed that are
6 fully operable to service the lot, as determined by an authorized
7 agent responsible for the licensing or permitting of on-site sewage
8 facilities under Chapter 366, Health and Safety Code, and was
9 subdivided by a plat approved prior to September 1, 1989.

10 (h) In this section, "foundation" means the lowest division
11 of a residence, usually consisting of a masonry slab or a pier and
12 beam structure, that is partly or wholly below the surface of the
13 ground and on which the residential structure rests.

14 (i) Subject to Subsections (j) and (k), a utility that does
15 not hold a certificate issued by, or has not received a
16 determination from, the commissioners court under Section 232.210
17 to serve or connect subdivided property with water, sewer,
18 electricity, or gas may provide that service to a single-family
19 residential dwelling on that property if:

20 (1) the person requesting utility service is the owner
21 and occupant of the residential dwelling;

22 (2) the utility previously provided the utility
23 service to the property for the person requesting the service;

24 (3) the utility service provided as described by
25 Subdivision (2) was terminated not earlier than five years before
26 the date on which the person requesting utility service submits an
27 application for that service; and

1 (4) providing the utility service will not result in:

2 (A) an increase in the volume of utility service
3 provided to the property; or

4 (B) more than one utility connection for each
5 single-family residential dwelling located on the property.

6 (j) A utility may provide service under Subsection (i) only
7 if the person requesting the service provides to the commissioners
8 court documentation that evidences compliance with the
9 requirements of Subsection (i) and that is satisfactory to the
10 commissioners court.

11 (k) A utility may not serve or connect subdivided property
12 as described by Subsection (i) if, on or after September 1, 2007,
13 any existing improvements on that property are modified.

14 (l) Except as provided by Subsection (m), this section does
15 not prohibit a water or sewer utility from providing water or sewer
16 utility connection or service to a residential dwelling that:

17 (1) is provided water or wastewater facilities under
18 or in conjunction with a federal or state funding program designed
19 to address inadequate water or wastewater facilities in colonias or
20 to residential lots;

21 (2) is an existing dwelling identified as an eligible
22 recipient for funding by the funding agency providing adequate
23 water and wastewater facilities or improvements;

24 (3) when connected, will comply with the minimum state
25 standards for both water and sewer facilities and as prescribed by
26 the model subdivision rules adopted under Section 16.343, Water
27 Code; and

1 (4) is located in a project for which the municipality
2 with jurisdiction over the project or the approval of plats within
3 the project area has approved the improvement project by order,
4 resolution, or interlocal agreement under Chapter 791, Government
5 Code, if applicable.

6 (m) A utility may not serve any subdivided land with water
7 utility connection or service under Subsection (1) unless the
8 entity receives a determination from the county commissioners court
9 under Section 232.210(b)(3) that adequate sewer services have been
10 installed to service the lot or dwelling.

11 (n) The commissioners court may impose a fee for a
12 certificate issued under this section for a subdivision which is
13 located in the county and not within the limits of a municipality.
14 The amount of the fee may be the greater of \$30 or the amount of the
15 fee imposed by the municipality for a subdivision that is located
16 entirely in the extraterritorial jurisdiction of the municipality
17 for a certificate issued under Section 212.0115. A person who
18 obtains a certificate under this section is not required to obtain a
19 certificate under Section 212.0115.

20 Sec. 232.212. SUBDIVISION REGULATION; COUNTY AUTHORITY.

21 (a) The commissioners court for each county shall adopt and enforce
22 the model rules developed under Section 16.343, Water Code.

23 (b) Except as provided by Section 16.350(d), Water Code, or
24 Section 232.226 or 232.227 of this code, the commissioners court
25 may not grant a variance or adopt regulations that waive any
26 requirements of this subchapter.

27 (c) The commissioners court shall adopt regulations setting

forth requirements for:

(1) potable water sufficient in quality and quantity to meet minimum state standards;

(2) solid waste disposal meeting minimum state standards and rules adopted by the county under Chapter 364, Health and Safety Code;

(3) sufficient and adequate roads that satisfy the standards adopted by the county;

(4) sewer facilities meeting minimum state standards;

(5) electric service and gas service; and

(6) standards for flood management meeting the minimum standards set forth by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.).

(d) In adopting regulations under Subsection (c)(2), the commissioners court may allow one or more commercial providers to provide solid waste disposal services as an alternative to having the service provided by the county.

Sec. 232.213. COUNTY INSPECTOR. (a) The commissioners court may impose a fee on a subdivider of property under this subchapter for an inspection of the property to ensure compliance with the subdivision regulations adopted under this subchapter, Section 16.343, Water Code, or other law.

(b) Fees collected under this section may be used only to fund inspections conducted under this section.

Sec. 232.214. REQUIREMENTS PRIOR TO SALE OR LEASE. (a) A subdivider may not sell or lease land in a subdivision first platted

1 or replatted after July 1, 1995, unless the subdivision plat is
2 approved by the commissioners court in accordance with Section
3 232.205.

4 (b) Not later than the 30th day after the date a lot is sold,
5 a subdivider shall record with the county clerk all sales
6 contracts, including the attached disclosure statement required by
7 Section 232.217, leases, and any other documents that convey an
8 interest in the subdivided land.

9 (c) A document filed under Subsection (b) is a public
10 record.

11 Sec. 232.215. NOTICE OF WATER AND WASTEWATER REQUIREMENTS
12 BY POLITICAL SUBDIVISIONS. (a) This section applies only to a
13 county or other political subdivision located in the county that
14 sells real property:

15 (1) under Section 34.01, Tax Code; or

16 (2) taken by virtue of a writ of execution under
17 Section 3, Part VI, Texas Rules of Civil Procedure, and Chapter 34,
18 Civil Practice and Remedies Code.

19 (b) A county or other political subdivision located in the
20 county shall include in the public notice of sale of the property
21 and the deed conveying the property a statement substantially
22 similar to the following:

23 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR
24 JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND
25 INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

26 "THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY
27 WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE SELLER NOR THE

SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT
THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR
FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

"IN SOME SITUATIONS, A LOT OF FEWER THAN FIVE ACRES IS
PRESUMED TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE
PROPERTY LACKS WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT
QUALIFY FOR RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE
INFORMATION SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH
PRIVATE COUNSEL."

(c) The statement required by Subsection (b) must be:

(1) printed:

(A) in English and Spanish; and

(B) in 14-point boldface type or 14-point
uppercase typewritten letters; and

(2) read aloud at the sale, in English and Spanish, by
an agent of the county.

(d) A sale conducted in violation of this section is void.

Sec. 232.216. SERVICES PROVIDED BY SUBDIVIDER. A
subdivider having an approved plat for a subdivision shall:

(1) furnish a certified letter from the utility
provider stating that water is available to the subdivision
sufficient in quality and quantity to meet minimum state standards
required by Section 16.343, Water Code, and consistent with the
certification in the letter, and that water of that quality and
quantity will be made available to the point of delivery to all lots
in the subdivision;

(2) furnish sewage treatment facilities that meet

1 minimum state standards to fulfill the wastewater requirements of
2 the subdivision or furnish certification by the appropriate county
3 or state official having jurisdiction over the approval of the
4 septic systems indicating that lots in the subdivision can be
5 adequately and legally served by septic systems as provided under
6 Chapter 366, Health and Safety Code;

7 (3) furnish roads satisfying minimum standards as
8 adopted by the county;

9 (4) furnish adequate drainage meeting standard
10 engineering practices; and

11 (5) make a reasonable effort to have electric utility
12 service and gas utility service installed by a utility.

13 Sec. 232.217. ADVERTISING STANDARDS AND OTHER REQUIREMENTS
14 BEFORE SALE; OFFENSE. (a) Brochures, publications, and
15 advertising of any form relating to subdivided land:

16 (1) may not contain any misrepresentation; and

17 (2) except for a for-sale sign posted on the property
18 that is no larger than three feet by three feet, must accurately
19 describe the availability of water and sewer service facilities and
20 electric and gas utilities.

21 (b) The subdivider shall provide a copy in Spanish of all
22 written documents relating to the sale of subdivided land under an
23 executory contract, including the contract, disclosure notice, and
24 annual statement required by this section and a notice of default
25 required by Subchapter D, Chapter 5, Property Code, if:

26 (1) negotiations that precede the execution of the
27 executory contract are conducted primarily in Spanish; or

(2) the purchaser requests the written documents to be
provided in Spanish.

(c) Before an executory contract is signed by the purchaser, the subdivider shall provide the purchaser with a written notice, which must be attached to the executory contract, informing the purchaser of the condition of the property that must, at a minimum, be executed by the subdivider and purchaser, be acknowledged, and contain language substantially similar to the following:

IF ANY OF THE ITEMS BELOW HAVE NOT BEEN CHECKED, YOU MAY NOT BE ABLE
TO LIVE ON THE PROPERTY.

WARNING

CONCERNING THE PROPERTY AT (street address or legal description and municipality)

THIS DOCUMENT STATES THE TRUE FACTS ABOUT THE LAND YOU ARE
CONSIDERING PURCHASING.

CHECK OFF THE ITEMS THAT ARE TRUE:

_____ The property is in a recorded subdivision.

____ The property has water service that provides potable water.

____ The property has sewer service or a septic system.

_____ The property has electric service.

_____ The property is not in a flood-prone area.

_____ The roads are paved.

____ No person other than the subdivider:

(1) owns the property;

(2) has a claim of ownership to the property; or

(3) has an interest in the property.

____ No person has a lien filed against the property.

There are no back taxes owed on the property.

NOTICE

SELLER ADVISES PURCHASER TO:

(1) OBTAIN A TITLE ABSTRACT OR TITLE COMMITMENT REVIEWED BY AN ATTORNEY BEFORE SIGNING A CONTRACT OF THIS TYPE; AND

(2) PURCHASE AN OWNER'S POLICY OF TITLE INSURANCE COVERING THE PROPERTY.

(Date) (Signature of Subdivider)

(Date) (Signature of Purchaser)

(d) The subdivider shall provide any purchaser who is sold a lot under an executory contract with an annual statement in January of each year for the term of the executory contract. If the subdivider mails the statement to the purchaser, the statement must be postmarked not later than January 31.

(e) The statement under Subsection (d) must include the following information:

(1) the amount paid under the contract;
(2) the remaining amount owed under the contract;
(3) the annual interest rate charged under the contract during the preceding 12-month period; and
(4) the number of payments remaining under the contract.

(f) If the subdivider fails to comply with Subsections (d) and (e), the purchaser may:

(1) notify the subdivider that the purchaser has not

1 received the statement and will deduct 15 percent of each monthly
2 payment due until the statement is received; and

3 (2) not earlier than the 25th day after the date the
4 purchaser provides the subdivider notice under this subsection,
5 deduct 15 percent of each monthly payment due until the statement is
6 received by the purchaser.

7 (g) A purchaser who makes a deduction under Subsection (f)
8 is not required to reimburse the subdivider for the amount
9 deducted.

10 (h) A person who is a seller of lots in a subdivision, or a
11 subdivider or an agent of a seller or subdivider, commits an offense
12 if the person knowingly authorizes or assists in the publication,
13 advertising, distribution, or circulation of any statement or
14 representation that the person knows is false concerning any
15 subdivided land offered for sale or lease. An offense under this
16 section is a Class A misdemeanor.

17 (i) A person who holds a real estate broker's or sales
18 agent's license under Chapter 1101, Occupations Code, acting in the
19 person's capacity as a real estate broker or sales agent, other than
20 a person who is a director, officer, or employee of the seller or
21 subdivider or who is otherwise affiliated with the seller or
22 subdivider, is not an agent of a seller or subdivider for purposes
23 of this section.

24 Sec. 232.218. CONFLICT OF INTEREST; PENALTY. (a) In this
25 section, "subdivided tract" means a tract of land, as a whole, that
26 is subdivided into tracts or lots. The term does not mean an
27 individual lot in a subdivided tract of land.

1 (b) A person has an interest in a subdivided tract if the
2 person:

3 (1) has an equitable or legal ownership interest in
4 the tract;

5 (2) acts as a developer of the tract;

6 (3) owns voting stock or shares of a business entity
7 that:

8 (A) has an equitable or legal ownership interest
9 in the tract; or

10 (B) acts as a developer of the tract; or

11 (4) receives in a calendar year money or any thing of
12 value from a business entity described by Subdivision (3).

13 (c) A person also is considered to have an interest in a
14 subdivided tract if the person is related in the second degree by
15 consanguinity or affinity, as determined under Chapter 573,
16 Government Code, to a person who, under Subsection (b), has an
17 interest in the tract.

18 (d) If a member of the commissioners court has an interest
19 in a subdivided tract, the member shall file, before a vote or
20 decision regarding the approval of a plat for the tract, an
21 affidavit with the county clerk stating the nature and extent of the
22 interest and shall abstain from further participation in the
23 matter. The affidavit must be filed with the county clerk.

24 (e) A member of the commissioners court of a county commits
25 an offense if the member violates Subsection (d). An offense under
26 this subsection is a Class A misdemeanor.

27 (f) The finding by a court of a violation of this section

1 does not render voidable an action of the commissioners court
2 unless the measure would not have passed the commissioners court
3 but for the vote of the member who violated this section.

4 (g) A conviction under Subsection (e) constitutes official
5 misconduct by the member and is grounds for removal from office.

6 Sec. 232.219. CIVIL PENALTIES. (a) A subdivider or an
7 agent of a subdivider may not cause, suffer, allow, or permit a lot
8 to be sold in a subdivision if the subdivision has not been platted
9 as required by this subchapter.

10 (b) Notwithstanding any other remedy at law or equity, a
11 subdivider or an agent of a subdivider may not cause, suffer, allow,
12 or permit any part of a subdivision over which the subdivider or an
13 agent of the subdivider has control, or a right of ingress and
14 egress, to become a public health nuisance as defined by Section
15 [341.011](#), Health and Safety Code.

16 (c) A subdivider who fails to provide, in the time and
17 manner described in the plat, for the construction or installation
18 of water or sewer service facilities described on the plat or on the
19 document attached to the plat or who otherwise violates this
20 subchapter or a rule or requirement adopted by the commissioners
21 court under this subchapter is subject to a civil penalty of not
22 less than \$500 or more than \$1,000 for each violation and for each
23 day of a continuing violation but not to exceed \$5,000 each day and
24 shall also pay court costs, investigative costs, and attorney's
25 fees for the governmental entity bringing the suit.

26 (d) Except as provided by Subsection (e), a person who
27 violates Subsection (a) or (b) is subject to a civil penalty of not

1 less than \$10,000 or more than \$15,000 for each lot conveyed or each
2 subdivision that becomes a nuisance. The person must also pay court
3 costs, investigative costs, and attorney's fees for the
4 governmental entity bringing the suit.

5 (e) A person who violates Subsection (b) is not subject to a
6 fine under Subsection (d) if the person corrects the nuisance not
7 later than the 30th day after the date the person receives notice
8 from the attorney general or a local health authority of the
9 nuisance.

10 (f) Venue for an action under this section is in a district
11 court of Travis County, a district court in the county in which the
12 defendant resides, or a district court in the county in which the
13 violation or threat of violation occurs.

14 (g) A person who holds a real estate broker's or sales
15 agent's license under Chapter 1101, Occupations Code, acting in the
16 person's capacity as a real estate broker or sales agent, other than
17 a person who is a director, officer, or employee of the seller or
18 subdivider or who is otherwise affiliated with the seller or
19 subdivider, is not an agent of a seller or subdivider for purposes
20 of this section.

21 Sec. 232.220. CRIMINAL PENALTIES. (a) A subdivider
22 commits an offense if the subdivider knowingly fails to file a plat
23 required by this subchapter. An offense under this subsection is a
24 Class A misdemeanor.

25 (b) A subdivider who owns a subdivision commits an offense
26 if the subdivider knowingly fails to timely provide for the
27 construction or installation of water or sewer service as required

1 by Section 232.216 or fails to make a reasonable effort to have
2 electric utility service and gas utility service installed by a
3 utility as required by Section 232.216. An offense under this
4 subsection is a Class A misdemeanor.

5 (c) If it is shown at the trial of an offense under
6 Subsection (a) that the defendant caused five or more residences in
7 the subdivision to be inhabited, the offense is a state jail felony.

8 (d) A subdivider commits an offense if the subdivider allows
9 the conveyance of a lot in the subdivision without the appropriate
10 water and sewer utilities as required by Section 232.216 or without
11 having made a reasonable effort to have electric utility service
12 and gas utility service installed by a utility as required by
13 Section 232.216. An offense under this section is a Class A
14 misdemeanor. Each lot conveyed constitutes a separate offense.

15 (e) Venue for prosecution for a violation under this section
16 is in the county in which any element of the violation is alleged to
17 have occurred or in Travis County.

18 Sec. 232.221. ENFORCEMENT. (a) The attorney general, or
19 the district attorney, criminal district attorney, county attorney
20 with felony responsibilities, or county attorney of the county may
21 take any action necessary in a court of competent jurisdiction on
22 behalf of the state or on behalf of residents to:

23 (1) enjoin the violation or threatened violation of
24 the model rules adopted under Section 16.343, Water Code;

25 (2) enjoin the violation or threatened violation of a
26 requirement of this subchapter or a rule adopted by the
27 commissioners court under this subchapter;

1 (3) recover civil or criminal penalties, attorney's
2 fees, litigation costs, and investigation costs; and

3 (4) require platting or replatting under Section
4 232.224.

5 (b) The attorney general, at the request of the district or
6 county attorney with jurisdiction, may conduct a criminal
7 prosecution under Section 232.217(h) or 232.220.

8 (c) During the pendency of any enforcement action brought,
9 any resident of the affected subdivision, or the attorney general,
10 district attorney, or county attorney on behalf of a resident, may
11 file a motion against the provider of utilities to halt termination
12 of pre-existing utility services. The services may not be
13 terminated if the court makes an affirmative finding after hearing
14 the motion that termination poses a threat to public health,
15 safety, or welfare of the residents.

16 (d) This subchapter is subject to the applicable
17 enforcement provisions prescribed by Sections [16.352](#), [16.353](#),
18 [16.354](#), and [16.3545](#), Water Code.

19 (e) A court having jurisdiction of an enforcement action
20 under this section shall dismiss the action if the defendant:

21 (1) remedies the violation that is the subject of the
22 enforcement action not later than the 45th day after the date the
23 defendant receives notice of the action; and

24 (2) shows good cause for the dismissal.

25 Sec. 232.222. SUIT BY PRIVATE PERSON IN ECONOMICALLY
26 DISTRESSED AREA. A person who has purchased or is purchasing a lot
27 after July 1, 1995, in a subdivision for residential purposes that

1 does not have water and sewer services as required by this
2 subchapter and is located in an economically distressed area, as
3 defined by Section 17.921, Water Code, from a subdivider, may bring
4 suit in the district court in which the property is located or in a
5 district court in Travis County to:

6 (1) declare the sale of the property void, require the
7 subdivider to return the purchase price of the property, and
8 recover from the subdivider:

9 (A) the market value of any permanent
10 improvements the person placed on the property;

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

13 (C) court costs; and

14 (D) reasonable attorney's fees; or

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

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

20 (B) court costs; and

21 (C) reasonable attorney's fees.

22 Sec. 232.223. CANCELLATION OF SUBDIVISION. (a) A
23 subdivider of land may apply to the commissioners court to cancel
24 all or part of the subdivision in the manner provided by Section
25 232.008 after notice and hearing as provided by this section.

26 (b) A resident of a subdivision for which the subdivider has
27 applied for cancellation under Subsection (a) has the same rights

1 as a purchaser of land under Section 232.008.

2 (c) The notice required by Section 232.008(c) must also be
3 published in Spanish in the newspaper of highest circulation and in
4 a Spanish-language newspaper in the county if available.

5 (d) Not later than the 14th day before the date of the
6 hearing, the county chief appraiser shall by regular and certified
7 mail provide notice containing the information described by Section
8 232.008(c) to:

9 (1) each person who pays property taxes in the
10 subdivision, as determined by the most recent tax roll; and

11 (2) each person with an interest in the property.

12 (e) The commissioners court may require a subdivider to
13 provide the court with the name and last known address of each
14 person with an interest in the property. For purposes of this
15 subsection, a person residing on a lot purchased through an
16 executory contract has an interest in the property.

17 (f) A person who fails to provide information requested
18 under Subsection (e) before the 31st day after the date the request
19 is made is liable to the state for a penalty of \$500 for each week
20 the person fails to provide the information.

21 (g) The commissioners court may cancel a subdivision only
22 after a public hearing. At the hearing, the commissioners court
23 shall permit any interested person to be heard. At the conclusion
24 of the hearing, the commissioners court shall adopt an order on
25 whether to cancel the subdivision.

26 Sec. 232.224. REPLATTING. (a) A subdivision plat must
27 accurately reflect the subdivision as it develops. If there is any

1 change, either by the intentional act of the subdivider or by the
2 forces of nature, including changes in the size or dimension of lots
3 or the direction or condition of the roads, a plat must be revised
4 in accordance with Section 232.225.

5 (b) Except as provided by Subsection (c), a lot in a
6 subdivision may not be sold if the lot lacks water and sewer
7 services as required by this subchapter unless the lot is platted or
8 replatted as required by this subchapter. A subdivider or agent of
9 a subdivider may not transfer a lot through an executory contract or
10 other similar conveyance to evade the requirements of this
11 subchapter. The prohibition in this subsection includes the sale
12 of a lot:

13 (1) by a subdivider who regains possession of a lot
14 previously exempt under Subsection (c) through the exercise of a
15 remedy described in Section 5.064, Property Code; or

16 (2) for which it is shown at a proceeding brought in
17 the district court in which the property is located that the sale of
18 a lot otherwise exempt under Subsection (c) was made for the purpose
19 of evading the requirements of this subchapter.

20 (c) Subsection (b) does not apply if a seller other than a
21 subdivider or agent of a subdivider resides on the lot.

22 (d) The attorney general or a district or county attorney
23 with jurisdiction may bring a proceeding under Subsection (b).

24 (e) Existing utility services to a subdivision that must be
25 platted or replatted under this section may not be terminated under
26 Section 232.211.

27 Sec. 232.225. REVISION OF PLAT. (a) A person who has

1 subdivided land that is subject to the subdivision controls of the
2 county in which the land is located may apply in writing to the
3 commissioners court of the county for permission to revise the
4 subdivision plat filed for record with the county clerk.

5 (b) Except as provided by Subsection (c), after the
6 application is filed with the commissioners court, the court shall
7 publish a notice of the application in a newspaper of general
8 circulation in the county. The notice must include a statement of
9 the time and place at which the court will meet to consider the
10 application and to hear protests to the revision of the plat. The
11 notice must be published at least three times during the period that
12 begins on the 30th day and ends on the seventh day before the date of
13 the meeting. If all or part of the subdivided tract has been sold to
14 nondeveloper owners, the court shall also give notice to each of
15 those owners by certified or registered mail, return receipt
16 requested, at the owner's address in the subdivided tract.

17 (c) If the commissioners court determines that the revision
18 to the subdivision plat does not affect a public interest or public
19 property of any type, including, but not limited to, a park, school,
20 or road, the notice requirements under Subsection (b) do not apply
21 to the application and the commissioners court shall:

22 (1) provide written notice of the application to the
23 owners of the lots that are within 200 feet of the subdivision plat
24 to be revised, as indicated in the most recent records of the
25 central appraisal district of the county in which the lots are
26 located; and

27 (2) if the county maintains an Internet website, post

1 notice of the application continuously on the website for at least
2 30 days preceding the date of the meeting to consider the
3 application until the day after the meeting.

4 (d) During a regular term of the commissioners court, the
5 court shall adopt an order to permit the revision of the subdivision
6 plat if it is shown to the court that:

7 (1) the revision will not interfere with the
8 established rights of any owner of a part of the subdivided land; or

9 (2) each owner whose rights may be interfered with has
10 agreed to the revision.

11 (e) If the commissioners court permits a person to revise a
12 subdivision plat, the person may make the revision by filing for
13 record with the county clerk a revised plat or part of a plat that
14 indicates the changes made to the original plat.

15 (f) The commissioners court may impose a fee for filing an
16 application under this section. The amount of the fee must be based
17 on the cost of processing the application, including publishing the
18 notices required under Subsection (b) or (c).

19 Sec. 232.226. VARIANCES FROM REPLATTING REQUIREMENTS. (a)
20 On request of a subdivider or resident purchaser, the commissioners
21 court may grant a delay or a variance from compliance with Section
22 232.224 as provided by this section.

23 (b) The commissioners court may grant a delay of two years
24 if the reason for the delay is to install utilities. A person may
25 apply for one renewal of a delay under this subsection. To obtain
26 an initial delay under this subsection, a subdivider must:

27 (1) identify the affected utility providers;

1 (2) provide the terms and conditions on which service
2 may be provided; and

3 (3) provide a certified letter from each utility
4 provider stating that it has the right to serve the area and it will
5 serve the area.

6 (c) The commissioners court may grant a delay or a variance
7 for a reason other than a reason described by Subsection (b) if it
8 is shown that compliance would be impractical or would be contrary
9 to the health and safety of residents of the subdivision. The
10 commissioners court must issue written findings stating the reasons
11 why compliance is impractical.

12 (d) A delay or a variance granted by the commissioners court
13 is valid only if the commissioners court notifies the attorney
14 general of the delay or variance and the reasons for the delay or
15 variance not later than the 30th day after the date the
16 commissioners court grants the delay or variance.

17 (e) Until approved water and sewer services are made
18 available to the subdivision, the subdivider of land for which a
19 delay is granted under this section must provide at no cost to
20 residents:

21 (1) 25 gallons of potable water a day for each resident
22 and a suitable container for storing the water; and

23 (2) suitable temporary sanitary wastewater disposal
24 facilities.

25 Sec. 232.227. VARIANCES FROM PLATTING REQUIREMENTS. (a)
26 On the request of a subdivider who created an unplatted subdivision
27 or a resident purchaser of a lot in the subdivision, the

commissioners court of a county may grant:

(1) a delay or variance from compliance with the subdivision requirements prescribed by Section 232.203(c)(8) or (9), 232.207(1), (2), (3), (4), or (5), or 232.212(c)(2), (3), (5), or (6); or

(2) a delay or variance for an individual lot from compliance with the requirements prescribed by the model subdivision rules adopted under Section 16.343, Water Code, for:

(A) the distance that a structure must be set back from roads or property lines; or

(B) the number of single-family, detached dwellings that may be located on a lot.

(b) If the commissioners court makes a written finding that the subdivider who created the unplatted subdivision no longer owns property in the subdivision, the commissioners court may grant a delay or variance under this section only if:

(1) a majority of the lots in the subdivision were sold before September 1, 1995;

(2) a majority of the resident purchasers in the subdivision sign a petition supporting the delay or variance;

(3) the person requesting the delay or variance submits to the commissioners court:

(A) a description of the water and sewer service facilities that will be constructed or installed to service the subdivision;

(B) a statement specifying the date by which the water and sewer service facilities will be fully operational; and

1 (C) a statement signed by an engineer licensed in
2 this state certifying that the plans for the water and sewer
3 facilities meet the minimum state standards;

4 (4) the commissioners court finds that the unplatted
5 subdivision at the time the delay or variance is requested is
6 developed in a manner and to an extent that makes compliance with
7 specific platting requirements impractical or contrary to the
8 health or safety of the residents of the subdivision; and

9 (5) the subdivider who created the unplatted
10 subdivision has not violated local law, federal law, or state law,
11 excluding this chapter, in subdividing the land for which the delay
12 or variance is requested, if the subdivider is the person
13 requesting the delay or variance.

14 (c) If the commissioners court makes a written finding that
15 the subdivider who created the unplatted subdivision owns property
16 in the subdivision, the commissioners court may grant a provisional
17 delay or variance only if the requirements of Subsection (b) are
18 satisfied. The commissioners court may issue a final grant of the
19 delay or variance only if the commissioners court has not received
20 objections from the attorney general before the 91st day after the
21 date the commissioners court submits the record of its proceedings
22 to the attorney general as prescribed by Subsection (d).

23 (d) If the commissioners court grants a delay or variance
24 under this section, the commissioners court shall:

25 (1) make findings specifying the reason compliance
26 with each requirement is impractical or contrary to the health or
27 safety of residents of the subdivision;

1 (2) keep a record of its proceedings and include in the
2 record documentation of the findings and the information submitted
3 under Subsection (b); and

4 (3) submit a copy of the record to the attorney
5 general.

6 (e) The failure of the attorney general to comment or object
7 to a delay or variance granted under this section does not
8 constitute a waiver of or consent to the validity of the delay or
9 variance granted.

10 (f) This section does not affect a civil suit filed against,
11 a criminal prosecution of, or the validity of a penalty imposed on a
12 subdivider for a violation of law, regardless of the date on which
13 the violation occurred.

14 Sec. 232.228. AMENDING PLAT. The commissioners court may
15 approve and issue an amending plat under this subchapter in the same
16 manner, for the same purposes, and subject to the same related
17 provisions as provided by Section [232.011](#).

18 Sec. 232.229. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS
19 TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) A commissioners
20 court by order may implement a process:

21 (1) applicable to a subdivision in which 50 percent or
22 more of the lots are undeveloped or unoccupied on or after the 25th
23 anniversary of the date the plat for the subdivision was recorded
24 with the county; and

25 (2) through which the county, to the extent
26 practicable, may apply to the subdivision more current street,
27 road, drainage, and other infrastructure requirements.

1 (b) A regulation or standard adopted by a county under this
2 section must be no less stringent than the minimum standards and
3 other requirements under the model rules for safe and sanitary
4 water supply and sewer services adopted under Section 16.343, Water
5 Code, and any other minimum public safety standards that would
6 otherwise be applicable to the subdivision.

7 (c) A regulation or standard adopted by a county under this
8 section applies only to a lot that is owned by an individual, firm,
9 corporation, or other legal entity that directly or indirectly
10 offers lots for sale or lease as part of a common promotional plan
11 in the ordinary course of business, and each regulation or standard
12 must expressly state that limitation. For the purposes of this
13 subsection, "common promotional plan" means a plan or scheme of
14 operation undertaken by a person or a group acting in concert,
15 either personally or through an agent, to offer for sale or lease
16 more than two lots when the land is:

17 (1) contiguous or part of the same area of land; or
18 (2) known, designated, or advertised as a common unit
19 or by a common name.

20 SECTION 7. Sections 233.153(d) and (e), Local Government
21 Code, are amended to read as follows:

22 (d) This subchapter may not be construed to:
23 (1) require prior approval by the county before the
24 beginning of new residential construction;
25 (2) authorize the commissioners court of a county to
26 adopt or enforce zoning regulations; or
27 (3) affect the application of the provisions of

1 Subchapter B or G, Chapter 232, to land development.

2 (e) In the event of a conflict between this subchapter and
3 Subchapter B or G, Chapter 232, the provisions of Subchapter B or G,
4 Chapter 232, control.

5 SECTION 8. Section 12.002(d), Property Code, is amended to
6 read as follows:

7 (d) Except in the case of a subdivision located in a county
8 to which Subchapter B or G, Chapter 232, Local Government Code,
9 applies, Subsection (c) does not apply to using a subdivision's
10 description in a contract to convey real property before the plat or
11 replat of the subdivision is approved and is filed for record with
12 the county clerk if:

13 (1) the conveyance is expressly contingent on approval
14 and recording of the final plat; and

15 (2) the purchaser is not given use or occupancy of the
16 real property conveyed before the recording of the final plat.

17 SECTION 9. Section 34.01(e), Tax Code, is amended to read as
18 follows:

19 (e) A notice of sale under Subsection (c) must substantially
20 comply with this subsection. The notice must include:

21 (1) a statement of the authority under which the sale
22 is to be made;

23 (2) the date, time, and location of the sale;

24 (3) a brief description of the property to be sold;
25 [~~and~~]

26 (4) the statement required by Section 232.0315, Local
27 Government Code, if the real property subject to the sale is located

1 in a county subject to Subchapter B, Chapter 232, of that code and
2 is presumed to be for residential use under Section 232.022 of that
3 code; and

4 (5) the statement required by Section 232.215, Local
5 Government Code, if the real property subject to the sale is located
6 in a county subject to Subchapter G, Chapter 232, of that code.

7 SECTION 10. Section 16.343, Water Code, is amended by
8 amending Subsection (f) and adding Subsection (f-1) to read as
9 follows:

10 (f) The model rules may impose a platting or replatting
11 requirement pursuant to Subsection (b)(2), (c)(2), or (d). Except
12 as may be required by an agreement developed under Chapter 242,
13 Local Government Code, and subject to Subsection (f-1), a
14 municipality that has adopted the model rules may impose the
15 applicable platting requirements of Chapter 212, Local Government
16 Code, and a county that has adopted the model rules may impose the
17 applicable platting requirements of Chapter 232, Local Government
18 Code, to real property that is required to be platted or replatted
19 by the model rules under this section.

20 (f-1) The model rules do not supersede an exception to a
21 platting requirement prescribed by Subchapter G, Chapter 232, Local
22 Government Code.

23 SECTION 11. Section 16.350(d), Water Code, is amended to
24 read as follows:

25 (d) A county or municipality that receives funds or
26 financial assistance under Section 15.407 of this code or
27 Subchapter K, Chapter 17, of this code may grant an exemption for a

subdivision from the requirements of the model rules only if:

(1) the county or municipality supplies the subdivision with water supply and sewer services that meet the standards of the model rules; or

(2) the subdivision:

(A) is located within a county subject to Subchapter G, Chapter 232, Local Government Code; and

(B) involves four or fewer lots that:

(i) front an existing street that meets the standards adopted by the county or municipality and does not require the creation of any new street; and

(ii) may connect to an existing water supply and sewer service located within 50 feet of each lot in the subdivision that meets the standards of the model rules and does not require the extension of water or sewer facilities.

SECTION 12. This Act takes effect September 1, 2025.