

By: Gámez

H.B. No. 3680

A BILL TO BE ENTITLED

AN ACT

relating to subdivision plat requirements in certain counties.

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

SECTION 1. 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 Subchapter G applies.

SECTION 2. 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 that borders:

(1) the United Mexican States; and

(2) the Gulf of Mexico.

SECTION 3. 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 4. Chapter 232, Local Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SUBDIVISION PLATTING REQUIREMENTS IN CERTAIN
COUNTIES

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. Sections 4001 through 4127).

(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.

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

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

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

1 (C) the treatment, disposal, and management of
2 solid waste by or under Chapters 361 and 364, Health and Safety
3 Code.

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

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

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

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

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

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

21 (15) "Utility" means a person, including a legal
22 entity or political subdivision, that provides the services of:

23 (A) an electric utility, as defined by Section
24 31.002, Utilities Code;

25 (B) a gas utility, as defined by Section 101.003,
26 Utilities Code; and

27 (C) a water and sewer utility, as defined by

1 Section 13.002, Water Code.

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

4 (1) the United Mexican States; and

5 (2) the Gulf of Mexico.

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

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

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

15 (c) Except as provided by Subsection (c-1), for purposes of
16 this section, land is considered to be in the jurisdiction of a
17 county if the land is located in the county and outside the
18 corporate limits of municipalities.

19 (d) Land in a municipality's extraterritorial jurisdiction
20 is not considered to be in the jurisdiction of a county for
21 purposes of this section if the municipality and the county have
22 entered into a written agreement under Section 242.001 that
23 authorizes the municipality to regulate subdivision plats and
24 approve related permits in the municipality's extraterritorial
25 jurisdiction.

26 (e) This subchapter does not apply if all of the lots of the
27 subdivision are 5 acres or more.

1 Sec. 232.203. PLAT REQUIRED. (a) A subdivider of land must
2 have a plat of the subdivision prepared if at least one of the lots
3 of the subdivision is less than five acres. A commissioners court
4 may require each subdivider of land to prepare a plat if none of the
5 lots is less than five acres but at least one of the lots of a
6 subdivision is five acres or more but less than 10 acres under the
7 provisions and general platting requirements of Subchapter A.

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

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

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

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

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

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

21 (5) state the dimensions of and accurately describe
22 each lot, street, alley, square, park, or other part of the tract
23 intended to be dedicated to public use or for the use of purchasers
24 or owners of lots fronting on or adjacent to the street, alley,
25 square, park, or other part;

26 (6) include or have attached a document containing a
27 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 floodplain; and

(12) include certification that the subdivider has complied with the requirements of Section 232.212 and that:

(A) the water quality and connections to the lots

1 meet, or will meet, the minimum state standards;

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

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

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

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

13 (e) The subdivider of the tract must acknowledge the plat by
14 signing the plat and attached documents and attest to the veracity
15 and completeness of the matters asserted in the attached documents
16 and in the plat.

17 (f) The plat must be filed and recorded with the county
18 clerk of the county in which the tract is located. The plat is
19 subject to the filing and recording provisions of Section 12.002,
20 Property Code.

21 (g) The commissioners court may require a plat application
22 submitted for approval to include a digital map that is compatible
23 with other mapping systems used by the county and that
24 georeferences the subdivision plat and related public
25 infrastructure using the Texas Coordinate Systems adopted under
26 Section 21.071, Natural Resources Code. A digital map required
27 under this subsection may be required only in a format widely used

1 by common geographic information system software. A requirement
2 adopted under this subsection must provide for an exemption from
3 the requirement if the subdivider of the tract submits with the
4 plat application an acknowledged statement indicating that the
5 digital mapping technology necessary to submit a map that complies
6 with this subsection was not reasonably accessible.

7 Sec. 232.2031. EXCEPTIONS TO PLAT REQUIREMENT. (a) A
8 county may not require the owner of a tract of land located outside
9 the limits of a municipality who divides the tract into two or more
10 parts to have a plat of the subdivision prepared if:

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

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

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

23 (1) is located within 50 feet of a service connection
24 to an existing public water system;

25 (2) is adjacent to a public road;

26 (3) has either:

27 (A) sufficient space to accommodate a sewer

1 service facility that complies with the model rules adopted under
2 Section 16.343, Water Code; or

3 (B) a connection for service to an existing
4 public sewer service within 50 feet.

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

7 (A) has adequate drainage; and

8 (B) is not in a floodplain.

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

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

13 (2) the lot meets the requirements for the exception
14 under Subsection (c).

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

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

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

20 (f) The commissioners court may adopt rules and procedures
21 necessary to administer and enforce these exemptions.

22 Sec. 232.204. APPROVAL BY COUNTY REQUIRED. (a) A plat filed
23 under Section 232.203 is not valid unless the commissioners court
24 of the county in which the land is located approves the plat by an
25 order entered in the minutes of the court. The commissioners court
26 shall refuse to approve a plat if it does not meet the requirements
27 prescribed by or under this subchapter or if any bond required under

this subchapter is not filed with the county clerk.

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

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

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

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

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

(2) the reasons in writing and any documentation that support a variance granted under Section 232.202.

(d) The commissioners court of the county in which the land is located may establish a planning commission as provided by 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 232.214 relating to conflicts of interest.

Sec. 232.2041. DELEGATION OF APPROVAL RESPONSIBILITY. (a)

1 The commissioners court of a county or the court's designee may
2 designate to one or more officers or employees of the county the
3 authority to approve, approve with conditions, or disapprove a
4 plat:

5 (1) amending plats described in Sec. 232.011; or

6 (2) involving four or fewer lots that all meet the
7 requirements Sec. 232.2031(c).

8 (b) An applicant has the right to appeal to the
9 commissioners court or the court's designee if the designated
10 person or persons disapprove a plat.

11 Sec. 232.205. SUBDIVISION REQUIREMENTS. By an order
12 adopted and entered in the minutes of the commissioners court, and
13 after a notice is published in English and Spanish in a newspaper of
14 general circulation in the county, the commissioners court shall
15 for each subdivision:

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

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

21 (3) require that the shoulder-to-shoulder width on
22 collectors or main arteries within the right-of-way be not less
23 than 32 feet or more than 56 feet, and that the shoulder-to-shoulder
24 width on any other street or road be not less than 25 feet or more
25 than 35 feet;

26 (4) adopt, based on the amount and kind of travel over
27 each street or road in a subdivision, reasonable specifications

1 relating to the construction of each street or road;

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

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

9 (7) require that the subdivider of the tract execute a
10 bond in the manner provided by Section 232.207.

11 Sec. 232.206. WATER AND SEWER SERVICE EXTENSION. (a) The
12 commissioners court may extend, beyond the date specified on the
13 plat or on the document attached to the plat, the date by which the
14 water and sewer service facilities must be fully operable if the
15 commissioners court finds the extension is reasonable and not
16 contrary to the public interest.

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

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

25 Sec. 232.207. BOND REQUIREMENTS. (a) Except as provided by
26 Subsection (c), unless a person has completed the installation of
27 all water and sewer service facilities required by this subchapter

1 on the date that person applies for final approval of a plat under
2 Section 232.204, the commissioners court shall require the
3 subdivider of the tract to execute and maintain in effect a bond or,
4 in the alternative, a person may make a cash deposit in an amount
5 the commissioners court determines will ensure compliance with this
6 subchapter. A person may not meet the requirements of this
7 subsection through the use of a letter of credit unless that letter
8 of credit is irrevocable and issued by an institution guaranteed by
9 the FDIC. The subdivider must comply with the requirement before
10 subdividing the tract.

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

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

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

22 (2) the owner of the lot has not resided on the lot for
23 a period of 60 months after the date of execution of the deed to the
24 owner;

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

27 (4) the lot has sufficient space to accommodate

1 private sewage facilities in accordance with Chapter 366, Health
2 and Safety Code, and the Construction Standards for On-Site
3 Sewerage Facilities adopted by the commission and other law and
4 rules applicable to sewage facilities.

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

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

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

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

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

21 (4) the Construction Standards for On-Site Sewage
22 Facilities adopted by the Texas Commission on Environmental Quality
23 and other law and rules applicable to sewage facilities."

24 Sec. 232.208. CERTIFICATION REGARDING COMPLIANCE WITH PLAT
25 REQUIREMENTS. (a) On the approval of a plat by the commissioners
26 court, the commissioners court shall issue to the person applying
27 for the approval a certificate stating that the plat has been

1 reviewed and approved by the commissioners court.

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

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

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

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

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

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

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

27 (e) The commissioners court shall make its determinations

1 within 20 days after the date it receives the request under
2 Subsection (b) and shall issue the certificate, if appropriate,
3 within 10 days after the date the determinations are made.

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

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

15 Sec. 232.209. CONNECTION OF UTILITIES. (a) Except as
16 provided by Subsection (c) or Section 232.217(c), a utility may not
17 serve or connect any subdivided land with water or sewer services
18 unless the utility receives a certificate issued by the
19 commissioners court under Section 232.208(a) or receives a
20 determination from the commissioners court under Section
21 232.208(b)(1) that the plat has been reviewed and approved by the
22 commissioners court.

23 (b) An electric, gas, water, or sewer service utility may
24 serve or connect subdivided land with water, sewer, electricity,
25 gas, or other utility service regardless of whether the utility
26 receives a certificate issued by the commissioners court under
27 Section 232.208(a) or receives a determination from the

commissioners court under Section 232.208(b) if the utility is provided with a certificate issued by the commissioners court that states 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:

(i) before September 1, 1995; or

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

(B) has not been subdivided after September 1, 1995, or September 1, 1999, 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 May 1, 2003; 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 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,

1 1995, and:

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

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

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

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

13 (2) provides to the utility a certificate described by
14 Subsection (c).

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

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

23 (2) a notarized affidavit by that person requesting
24 service under Subsection (c)(1) that states that construction of a
25 residence on the land, evidenced by at least the existence of a
26 completed foundation, was begun on or before May 1, 2003, and the
27 request for utility connection or service is to connect or serve a

1 residence described by Subsection (c)(1)(C);

2 (3) a notarized affidavit by the person requesting
3 service that states that the subdivided land has not been further
4 subdivided after September 1, 1995, or September 1, 1999, as
5 applicable under Subsection (c); and

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

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

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

21 (g) The prohibition established by this section shall not
22 prohibit a water, sewer, electric, or gas utility from providing
23 water, sewer, electric, or gas utility connection or service to a
24 lot sold, conveyed, or purchased through a contract for deed or
25 executory contract or other device by a subdivider prior to July 1,
26 1995, or September 1, 1999, if on August 31, 1999, the subdivided
27 land was located in the extraterritorial jurisdiction of a

municipality that has adequate sewer services installed that are fully operable to service the lot, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code, and was subdivided by a plat approved prior to September 1, 1989.

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

(i) Subject to Subsections (k) and (l), a utility that does not hold a certificate issued by, or has not received a determination from, the commissioners court under Section 232.208 to serve or connect subdivided property with water, sewer, electricity or gas may provide that service to a single-family residential dwelling on that property if:

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

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

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

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

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

(B) more than one utility connection for each

1 single-family residential dwelling located on the property.

2 (j) A utility may provide service under Subsection (k) only
3 if the person requesting the service provides to the commissioners
4 court documentation that evidences compliance with the
5 requirements of Subsection (j) and that is satisfactory to the
6 commissioners court.

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

10 (l) Except as provided by Subsection (o), this section does
11 not prohibit a water or sewer utility from providing water or sewer
12 utility connection or service to a residential dwelling that:

13 (m) is provided water or wastewater facilities under or in
14 conjunction with a federal or state funding program designed to
15 address inadequate water or wastewater facilities in colonias or to
16 residential lots located in a county described by Section
17 232.202(a)(1);

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

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

25 (4) is located in a project for which the municipality
26 with jurisdiction over the project or the approval of plats within
27 the project area has approved the improvement project by order,

resolution, or interlocal agreement under Chapter 791, Government Code, if applicable.

(n) A utility may not serve any subdivided land with water utility connection or service under Subsection (n) unless the entity receives a determination from the county commissioners court under Section 232.208(b)(3) that adequate sewer services have been installed to service the lot or dwelling.

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

Sec. 232.210. SUBDIVISION REGULATION; COUNTY AUTHORITY.

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

(b) Except as provided by Section 16.350(d), Water Code, or Section 232.222 or 232.223, the commissioners court may not grant a variance or adopt regulations that waive any requirements of this subchapter.

(c) The commissioners court shall adopt regulations setting forth requirements for:

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

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

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

6 (4) sewer facilities meeting minimum state standards;

7 (5) electric service and gas service; and

8 (6) standards for flood management meeting the minimum
9 standards set forth by the Federal Emergency Management Agency
10 under the National Flood Insurance Act of 1968 (42 U.S.C. Sections
11 4001 through 4127)).

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

16 Sec. 232.2105. COUNTY INSPECTOR. (a) The commissioners
17 court may impose a fee on a subdivider of property under this
18 subchapter for an inspection of the property to ensure compliance
19 with the subdivision regulations adopted under this subchapter,
20 Section 16.343, Water Code, or other law.

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

23 Sec. 232.211. REQUIREMENTS PRIOR TO SALE OR LEASE. (a)
24 Except as provided by Subsection (d), a subdivider may not sell or
25 lease land in a subdivision first platted or replatted after July 1,
26 1995, unless the subdivision plat is approved by the commissioners
27 court in accordance with Section 232.204.

1 (b) Not later than the 30th day after the date a lot is sold,
2 a subdivider shall record with the county clerk all sales
3 contracts, including the attached disclosure statement required by
4 Section 232.213, leases, and any other documents that convey an
5 interest in the subdivided land.

6 (c) A document filed under Subsection (b) is a public
7 record.

8 (d) In a county defined under Section 232.202(a)(2), a
9 subdivider may not sell or lease land in a subdivision first platted
10 or replatted after September 1, 2005, unless the subdivision plat
11 is approved by the commissioners court in accordance with Section
12 232.204.

13 Sec. 232.2115. NOTICE OF WATER AND WASTEWATER REQUIREMENTS
14 BY POLITICAL SUBDIVISIONS. (a) This section applies only to a
15 county or other political subdivision located in the county that
16 sells:

17 (1) under Section 34.01, Tax Code, real property
18 presumed to be for residential use under Section 232.202; or

19 (2) under Section 3, Part VI, Texas Rules of Civil
20 Procedure, and Chapter 34, Civil Practice and Remedies Code, real
21 property presumed to be for residential use under Section 232.202,
22 taken by virtue of a writ of execution.

23 (b) A county or other political subdivision located in the
24 county shall include in the public notice of sale of the property
25 and the deed conveying the property a statement substantially
26 similar to the following:

27 "THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR

JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

"THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY 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 LESS 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. 232.212. 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

1 quantity will be made available to the point of delivery to all lots
2 in the subdivision;

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

10 (3) furnish roads satisfying minimum standards as
11 adopted by the county;

12 (4) furnish adequate drainage meeting standard
13 engineering practices; and

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

16 Sec. 232.213. ADVERTISING STANDARDS AND OTHER REQUIREMENTS
17 BEFORE SALE; OFFENSE. (a) Brochures, publications, and
18 advertising of any form relating to subdivided land:

19 (1) may not contain any misrepresentation; and

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

24 (b) The subdivider shall provide a copy in Spanish of all
25 written documents relating to the sale of subdivided land under an
26 executory contract, including the contract, disclosure notice, and
27 annual statement required by this section and a notice of default

required by Subchapter D, Chapter 5, Property Code, if:

(1) negotiations that precede the execution of the
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
read 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

1 (4) the number of payments remaining under the
2 contract.

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

5 (1) notify the subdivider that the purchaser has not
6 received the statement and will deduct 15 percent of each monthly
7 payment due until the statement is received; and

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

12 (g) A purchaser who makes a deduction under Subsection (f)
13 is not required to reimburse the subdivider for the amount
14 deducted.

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

22 (i) A person who holds a real estate broker's or sales
23 agent's license under Chapter 1101, Occupations Code, acting in the
24 person's capacity as a real estate broker or sales agent, other than
25 a person who is a director, officer, or employee of the seller or
26 subdivider or who is otherwise affiliated with the seller or
27 subdivider, is not an agent of a seller or subdivider for purposes

1 of this section.

2 Sec. 232.214. CONFLICT OF INTEREST; PENALTY. (a) In this
3 section, "subdivided tract" means a tract of land, as a whole, that
4 is subdivided into tracts or lots. The term does not mean an
5 individual lot in a subdivided tract of land.

6 (b) A person has an interest in a subdivided tract if the
7 person:

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

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

11 (3) owns voting stock or shares of a business entity
12 that:

13 (A) has an equitable or legal ownership interest
14 in the tract; or

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

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

18 (c) A person also is considered to have an interest in a
19 subdivided tract if the person is related in the second degree by
20 consanguinity or affinity, as determined under Chapter 573,
21 Government Code, to a person who, under Subsection (b), has an
22 interest in the tract.

23 (d) If a member of the commissioners court has an interest
24 in a subdivided tract, the member shall file, before a vote or
25 decision regarding the approval of a plat for the tract, an
26 affidavit with the county clerk stating the nature and extent of the
27 interest and shall abstain from further participation in the

1 matter. The affidavit must be filed with the county clerk.

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

5 (f) The finding by a court of a violation of this section
6 does not render voidable an action of the commissioners court
7 unless the measure would not have passed the commissioners court
8 but for the vote of the member who violated this section.

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

11 Sec. 232.215. CIVIL PENALTIES. (a) A subdivider or an
12 agent of a subdivider may not cause, suffer, allow, or permit a lot
13 to be sold in a subdivision if the subdivision has not been platted
14 as required by this subchapter.

15 (b) Notwithstanding any other remedy at law or equity, a
16 subdivider or an agent of a subdivider may not cause, suffer, allow,
17 or permit any part of a subdivision over which the subdivider or an
18 agent of the subdivider has control, or a right of ingress and
19 egress, to become a public health nuisance as defined by Section
20 [341.011](#), Health and Safety Code.

21 (c) A subdivider who fails to provide, in the time and
22 manner described in the plat, for the construction or installation
23 of water or sewer service facilities described on the plat or on the
24 document attached to the plat or who otherwise violates this
25 subchapter or a rule or requirement adopted by the commissioners
26 court under this subchapter is subject to a civil penalty of not
27 less than \$500 or more than \$1,000 for each violation and for each

day of a continuing violation but not to exceed \$5,000 each day and shall also pay court costs, investigative costs, and attorney's fees for the governmental entity bringing the suit.

(d) Except as provided by Subsection (e), a person who violates Subsection (a) or (b) is subject to a civil penalty of not less than \$10,000 or more than \$15,000 for each lot conveyed or each subdivision that becomes a nuisance. The person must also pay court costs, investigative costs, and attorney's fees for the governmental entity bringing the suit.

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

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

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

Sec. 232.216. CRIMINAL PENALTIES. (a) A subdivider commits an offense if the subdivider knowingly fails to file a plat required by this subchapter. An offense under this subsection is a

1 Class A misdemeanor.

2 (b) A subdivider who owns a subdivision commits an offense
3 if the subdivider knowingly fails to timely provide for the
4 construction or installation of water or sewer service as required
5 by Section 232.212 or fails to make a reasonable effort to have
6 electric utility service and gas utility service installed by a
7 utility as required by Section 232.212. An offense under this
8 subsection is a Class A misdemeanor.

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

12 (d) A subdivider commits an offense if the subdivider allows
13 the conveyance of a lot in the subdivision without the appropriate
14 water and sewer utilities as required by Section 232.212 or without
15 having made a reasonable effort to have electric utility service
16 and gas utility service installed by a utility as required by
17 Section 232.212. An offense under this section is a Class A
18 misdemeanor. Each lot conveyed constitutes a separate offense.

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

22 Sec. 232.217. ENFORCEMENT. (a) The attorney general, or
23 the district attorney, criminal district attorney, county attorney
24 with felony responsibilities, or county attorney of the county may
25 take any action necessary in a court of competent jurisdiction on
26 behalf of the state or on behalf of residents to:

27 (1) enjoin the violation or threatened violation of

1 the model rules adopted under Section 16.343, Water Code;

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

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

7 (4) require platting or replatting under Section
8 232.220.

9 b) The attorney general, at the request of the district or
10 county attorney with jurisdiction, may conduct a criminal
11 prosecution under Section 232.213(h) or 232.216.

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

20 (d) This subchapter is subject to the applicable
21 enforcement provisions prescribed by Sections 16.352, 16.353,
22 16.354, and 16.3545, Water Code.

23 (e) A court having jurisdiction of an enforcement action
24 under this section shall dismiss the action if:

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

1 (2) the defendant shows good cause for the dismissal.

2 Sec. 232.218. SUIT BY PRIVATE PERSON IN ECONOMICALLY
3 DISTRESSED AREA. (a) Except as provided by Subsection (b), a person
4 who has purchased or is purchasing a lot after July 1, 1995, in a
5 subdivision for residential purposes that does not have water and
6 sewer services as required by this subchapter and is located in an
7 economically distressed area, as defined by Section 17.921, Water
8 Code, from a subdivider, may bring suit in the district court in
9 which the property is located or in a district court in Travis
10 County to:

11 (1) declare the sale of the property void, require the
12 subdivider to return the purchase price of the property, and
13 recover from the subdivider:

14 (A) the market value of any permanent
15 improvements the person placed on the property;

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

18 (C) court costs; and

19 (D) reasonable attorney's fees; or

20 (2) enjoin a violation or threatened violation of
21 Section 232.212, require the subdivider to plat or replat under
22 Section 232.220, and recover from the subdivider:

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

25 (B) court costs; and

26 (C) reasonable attorney's fees.

27 (b) If the lot is located in a county defined under Section

1 232.202(a)(2), a person may only bring suit under Subsection (a) if
2 the person purchased or is purchasing the lot after September 1,
3 2005.

4 Sec. 232.219. CANCELLATION OF SUBDIVISION. (a) A
5 subdivider of land may apply to the commissioners court to cancel
6 all or part of the subdivision in the manner provided by Section
7 232.008 after notice and hearing as provided by this section.

8 (b) A resident of a subdivision for which the subdivider has
9 applied for cancellation under Subsection (a) has the same rights
10 as a purchaser of land under Section 232.008.

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

14 (d) Not later than the 14th day before the date of the
15 hearing, the county chief appraiser shall by regular and certified
16 mail provide notice containing the information described by Section
17 232.008(c) to:

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

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

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

26 (f) A person who fails to provide information requested
27 under Subsection (e) before the 31st day after the date the request

1 is made is liable to the state for a penalty of \$500 for each week
2 the person fails to provide the information.

3 (g) The commissioners court may cancel a subdivision only
4 after a public hearing. At the hearing, the commissioners court
5 shall permit any interested person to be heard. At the conclusion
6 of the hearing, the commissioners court shall adopt an order on
7 whether to cancel the subdivision.

8 Sec. 232.220. REPLATTING. (a) A subdivision plat must
9 accurately reflect the subdivision as it develops. If there is any
10 change, either by the intentional act of the subdivider or by the
11 forces of nature, including changes in the size or dimension of lots
12 or the direction or condition of the roads, a plat must be revised
13 in accordance with Section 232.221.

14 (b) Except as provided by Subsection (c), a lot in a
15 subdivision may not be sold if the lot lacks water and sewer
16 services as required by this subchapter unless the lot is platted or
17 replatted as required by this subchapter. A subdivider or agent of
18 a subdivider may not transfer a lot through an executory contract or
19 other similar conveyance to evade the requirements of this
20 subchapter. The prohibition in this subsection includes the sale
21 of a lot:

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

25 (2) for which it is shown at a proceeding brought in
26 the district court in which the property is located that the sale of
27 a lot otherwise exempt under Subsection (c) was made for the purpose

1 of evading the requirements of this subchapter.

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

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

6 (e) Existing utility services to a subdivision that must be
7 platted or replatted under this section may not be terminated under
8 Section 232.209 or 232.2091.

9 Sec. 232.221. REVISION OF PLAT. (a) A person who has
10 subdivided land that is subject to the subdivision controls of the
11 county in which the land is located may apply in writing to the
12 commissioners court of the county for permission to revise the
13 subdivision plat filed for record with the county clerk.

14 (b) Except as provided by Subsection (b-1), after the
15 application is filed with the commissioners court, the court shall
16 publish a notice of the application in a newspaper of general
17 circulation in the county. The notice must include a statement of
18 the time and place at which the court will meet to consider the
19 application and to hear protests to the revision of the plat. The
20 notice must be published at least three times during the period that
21 begins on the 30th day and ends on the seventh day before the date of
22 the meeting. If all or part of the subdivided tract has been sold to
23 nondeveloper owners, the court shall also give notice to each of
24 those owners by certified or registered mail, return receipt
25 requested, at the owner's address in the subdivided tract.

26 (b-1) If the commissioners court determines that the
27 revision to the subdivision plat does not affect a public interest

or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under Subsection (b) do not apply to the application and the commissioners court shall:

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

(2) if the county maintains an Internet website, post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

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

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

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

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

(e) The commissioners court may impose a fee for filing an application under this section. The amount of the fee must be based on the cost of processing the application, including publishing the notices required under Subsection (b) or (b-1).

1 Sec. 232.222. VARIANCES FROM REPLATTING REQUIREMENTS. (a)
2 On request of a subdivider or resident purchaser, the commissioners
3 court may grant a delay or a variance from compliance with Section
4 232.220 as provided by this section.

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

9 (1) identify the affected utility providers;
10 (2) provide the terms and conditions on which service
11 may be provided; and
12 (3) provide a certified letter from each utility
13 provider stating that it has the right to serve the area and it will
14 serve the area.

15 (c) The commissioners court may grant a delay or a variance
16 for a reason other than a reason described by Subsection (b) if it
17 is shown that compliance would be impractical or would be contrary
18 to the health and safety of residents of the subdivision. The
19 commissioners court must issue written findings stating the reasons
20 why compliance is impractical.

21 (d) A delay or a variance granted by the commissioners court
22 is valid only if the commissioners court notifies the attorney
23 general of the delay or variance and the reasons for the delay or
24 variance not later than the 30th day after the date the
25 commissioners court grants the delay or variance.

26 (e) Until approved water and sewer services are made
27 available to the subdivision, the subdivider of land for which a

delay is granted under this section must provide at no cost to residents:

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

(2) suitable temporary sanitary wastewater disposal facilities.

Sec. 232.223. VARIANCES FROM PLATTING REQUIREMENTS. (a) On the request of a subdivider who created an unplatted subdivision 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(b)(8) or (9), 232.205(1), (2), (3), (4), or (5), or 232.210(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:

1 (A) September 1, 1995, in a county defined under
2 Section 232.202(a)(1); or

3 (B) September 1, 2005, in a county defined under
4 Section 232.202(a)(2);

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

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

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

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

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

17 (4) the commissioners court finds that the unplatted
18 subdivision at the time the delay or variance is requested is
19 developed in a manner and to an extent that compliance with specific
20 platting requirements is impractical or contrary to the health or
21 safety of the residents of the subdivision; and

22 (5) the subdivider who created the unplatted
23 subdivision has not violated local law, federal law, or state law,
24 excluding this chapter, in subdividing the land for which the delay
25 or variance is requested, if the subdivider is the person
26 requesting the delay or variance.

27 (c) If the commissioners court makes a written finding that

1 the subdivider who created the unplatted subdivision owns property
2 in the subdivision, the commissioners court may grant a provisional
3 delay or variance only if the requirements of Subsection (b) are
4 satisfied. The commissioners court may issue a final grant of the
5 delay or variance only if the commissioners court has not received
6 objections from the attorney general before the 91st day after the
7 date the commissioners court submits the record of its proceedings
8 to the attorney general as prescribed by Subsection (d).

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

11 (1) make findings specifying the reason compliance
12 with each requirement is impractical or contrary to the health or
13 safety of residents of the subdivision;

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

17 (3) submit a copy of the record to the attorney
18 general.

19 (e) The failure of the attorney general to comment or object
20 to a delay or variance granted under this section does not
21 constitute a waiver of or consent to the validity of the delay or
22 variance granted.

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

27 Sec. 232.224. AMENDING PLAT. The commissioners court may

1 approve and issue an amending plat under this subchapter in the same
2 manner, for the same purposes, and subject to the same related
3 provisions as provided by Section [232.011](#).

4 Sec. 232.225. APPLICABILITY OF INFRASTRUCTURE REQUIREMENTS
5 TO LOTS UNDEVELOPED FOR 25 YEARS OR MORE. (a) A commissioners
6 court by order may implement a process:

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

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

14 (b) A regulation or standard adopted by a county under this
15 section must be no less stringent than the minimum standards and
16 other requirements under the model rules for safe and sanitary
17 water supply and sewer services adopted under Section [16.343](#), Water
18 Code, and any other minimum public safety standards that would
19 otherwise be applicable to the subdivision.

20 (c) A regulation or standard adopted by a county under this
21 section applies only to a lot that is owned by an individual, firm,
22 corporation, or other legal entity that directly or indirectly
23 offers lots for sale or lease as part of a common promotional plan
24 in the ordinary course of business, and each regulation or standard
25 must expressly state that limitation. For the purposes of this
26 subsection, "common promotional plan" means a plan or scheme of
27 operation undertaken by a person or a group acting in concert,

1 either personally or through an agent, to offer for sale or lease
2 more than two lots when the land is:

- 3 (1) contiguous or part of the same area of land; or
4 (2) known, designated, or advertised as a common unit
5 or by a common name.

6 SECTION 5. Section 16.343(f), Water Code, is amended to
7 read as follows:

8 (f) The model rules may impose a platting or replatting
9 requirement pursuant to Subsection (b)(2), (c)(2), or (d). Except
10 as may be required by an agreement developed under Chapter 242,
11 Local Government Code, a municipality that has adopted the model
12 rules may impose the applicable platting requirements of Chapter
13 212, Local Government Code, and a county that has adopted the model
14 rules may impose the applicable platting requirements of Chapter
15 232, Local Government Code, to real property that is required to be
16 platted or replatted by the model rules under this section. The
17 model rules do not supersede an exception to a platting requirement
18 that is:

- 19 (1) within a county that borders the United Mexican
20 States and the Gulf of Mexico; and
21 (2) prescribed by Chapter 232, Local Government Code.

22 SECTION 6. Section 16.350(d), Water Code, is amended to
23 read as follows:

24 (d) A county or municipality that receives funds or
25 financial assistance under Section 15.407 of this code or
26 Subchapter K, Chapter 17, of this code may grant an exemption for a
27 subdivision from the requirements of the model rules only if:

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

4 (2) the subdivision:

5 (A) is within a county that borders the United
6 Mexican States and the Gulf of Mexico; and

7 (B) involves four or fewer lots that:

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

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

15 SECTION 7. This Act takes effect September 1, 2025.