

By: Guillen

H.B. No. 4108

A BILL TO BE ENTITLED

AN ACT

relating to the modification of model subdivision rules.

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

SECTION 1. Section 232.022, Local Government Code is amended by adding Subsection (e) to read as follows:

(e) This subchapter does not apply if all lots of the subdivision are no less than .50 acres and the county makes a determination that:

(1) There is access to municipal water within 700 feet of the property line;

(2) The property abuts a road and there are no landlocked partitions;

(3) There is adequate space on the partitioned property to accommodate a septic tank or access to a sewer system; and

(4) A civil engineer has certified that the property is not in a flood plain and adequate drainage exists for the partitioned lots.

SECTION 2. Section 232.027, Local Government Code, is amended to read as follows:

Sec. 232.027. BOND REQUIREMENTS. (a) Except as provided by Subsection (c), unless ~~[Unless]~~ a person has completed the installation of all water and sewer service facilities required by this subchapter on the date that person applies for final approval

1 of a plat under Section 232.024, the commissioners court shall  
2 require the subdivider of the tract to execute and maintain in  
3 effect a bond or, in the alternative, a person may make a cash  
4 deposit in an amount the commissioners court determines will ensure  
5 compliance with this subchapter. A person may not meet the  
6 requirements of this subsection through the use of a letter of  
7 credit unless that letter of credit is irrevocable and issued by an  
8 institution guaranteed by the FDIC. The subdivider must comply with  
9 the requirement before subdividing the tract.

10 (b) The bond must be conditioned on the construction or  
11 installation of water and sewer service facilities that will be in  
12 compliance with the model rules adopted under Section 16.343, Water  
13 Code.

14 (c) Subsections (a) and (b) do not apply if a purchase  
15 contract includes a written agreement that the purchaser assumes  
16 the responsibility of sewer facilities under this subchapter. Such  
17 agreement shall include a statement substantially similar to the  
18 following:

19 "Buyer shall assume all financial responsibility to ensure  
20 sewer facility compliance under Subchapter B, Chapter 232, Local  
21 Government Code regarding subdivision platting requirements and  
22 with the model rules adopted under Section 16.343, Water Code."

23 SECTION 3. Section 232.033, Local Government Code, is  
24 amended by amending Subsection (h) to read as follows:

25 (h) A person who is a seller of lots in a subdivision, or a  
26 subdivider [~~or an agent of a seller or subdivider~~], commits an  
27 offense if the person knowingly authorizes or assists in the

1 publication, advertising, distribution, or circulation of any  
2 statement or representation that the person knows is false  
3 concerning any subdivided land offered for sale or lease. An  
4 offense under this section is a Class A misdemeanor.

5 SECTION 4. Section 232.035 (a),(b) and (c), Local  
6 Government Code is amended to read as follows:

7 Sec. 232.035. CIVIL PENALTIES. (a) A subdivider [~~or an~~  
8 ~~agent of a subdivider~~] may not cause, suffer, allow, or permit a lot  
9 to be sold in a subdivision if the subdivision has not been platted  
10 as required by this subchapter.

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

17 (c) A subdivider who fails to provide, in the time and  
18 manner described in the plat, for the construction or installation  
19 of water or sewer service facilities described on the plat or on the  
20 document attached to the plat or who otherwise violates this  
21 subchapter or a rule or requirement adopted by the commissioners  
22 court under this subchapter is subject to a civil penalty of not  
23 less than \$250 [~~500~~] or more than \$500 [~~1,000~~] for each violation  
24 and for each day of a continuing violation but not to exceed \$2500  
25 [~~5,000~~] each day and shall also pay court costs, investigative  
26 costs, and attorney's fees for the governmental entity bringing the  
27 suit.

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1       SECTION 5.   This Act takes effect September 1, 2023.