

By: Hinojosa

S.B. No. 2061

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
9 with 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

S.B. No. 2061

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. This Act takes effect September 1, 2023.