

AN ACT

relating to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.

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

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), ~~[If a person submits]~~ a plat application for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land must ~~[, the municipal authority responsible for approving plats by ordinance may require the plat application to]~~ have attached to it a statement that:

(1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(a-1) A municipal authority responsible for approving plats may waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the municipal authority determines that sufficient groundwater is

1 available and will continue to be available to the subdivided tract
2 of land; and

3 (2) either:

4 (A) the entire tract proposed to be subdivided by
5 the plat will be supplied with groundwater from the Gulf Coast
6 Aquifer or the Carrizo-Wilcox Aquifer; or

7 (B) the proposed subdivision divides the tract
8 into not more than 10 parts.

9 (a-2) A person subject to a waiver authorized by Subsection
10 (a-1)(2)(B) regarding a subdivided tract of land must comply with
11 the requirements of Subsection (a) if:

12 (1) the tract is subsequently divided in a manner that
13 results in the original tract being subdivided into more than 10
14 parts; or

15 (2) the municipal authority determines that the
16 proposed subdivision is part of a series of proposed subdivisions
17 from an original tract that collectively includes more than 10
18 parts.

19 SECTION 2. Section [232.0032](#), Local Government Code, is
20 amended by amending Subsection (a) and adding Subsections (a-1) and
21 (a-2) to read as follows:

22 (a) Except as provided by Subsection (a-1), [~~If a person~~
23 ~~submits~~] a plat application for the subdivision of a tract of land
24 for which the source of the water supply intended for the
25 subdivision is groundwater under that land must [~~the commissioners~~
26 ~~court of a county by order may require the plat application to~~] have
27 attached to it a statement that:

1 (1) is prepared by an engineer licensed to practice in
2 this state or a geoscientist licensed to practice in this state; and

3 (2) certifies that adequate groundwater is available
4 for the subdivision.

5 (a-1) A commissioners court may waive the requirement
6 prescribed by Subsection (a) that a plat application have attached
7 to it a statement described by that subsection if:

8 (1) based on credible evidence of groundwater
9 availability in the vicinity of the proposed subdivision, the
10 commissioners court determines that sufficient groundwater is
11 available and will continue to be available to the subdivided tract
12 of land; and

13 (2) either:

14 (A) the entire tract proposed to be subdivided by
15 the plat will be supplied with groundwater from the Gulf Coast
16 Aquifer or the Carrizo-Wilcox Aquifer; or

17 (B) the proposed subdivision divides the tract
18 into not more than 10 parts.

19 (a-2) A person subject to a waiver authorized by Subsection
20 (a-1)(2)(B) regarding a subdivided tract of land must comply with
21 the requirements of Subsection (a) if:

22 (1) the tract is subsequently divided in a manner that
23 results in the original tract being subdivided into more than 10
24 parts; or

25 (2) the commissioners court determines that the
26 proposed subdivision is part of a series of proposed subdivisions
27 from an original tract that collectively includes more than 10

1 parts.

2 SECTION 3. The changes in law made by this Act apply only to
3 a plat application filed on or after the effective date of this Act.
4 A plat application filed before the effective date of this Act is
5 governed by the law in effect on the date the application was filed,
6 and the former law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect January 1, 2024.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2440 passed the Senate on April 6, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2440 passed the House, with amendments, on May 24, 2023, by the following vote: Yeas 120, Nays 18, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor