

## **BILL ANALYSIS**

C.S.H.B. 3680  
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Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that property owners in Cameron County have difficulty selling, and in some cases are unable to sell, their property due to restrictions imposed under current law by subdivision platting requirements for a county near an international border. C.S.H.B. 3680 seeks to address this issue by providing for subdivision platting requirements in certain counties near an international border and the Gulf of Mexico with the goal of moving Cameron County closer to how the rest of the counties in Texas are treated while retaining certain standards for the protection of the environment and public health.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

#### **Subdivision Platting Requirements in Certain Counties Near an International Border and the Gulf of Mexico**

C.S.H.B. 3680 amends the Local Government Code to set out a subchapter relating to subdivision platting requirements in a county that borders the United Mexican States and the Gulf of Mexico. The subchapter mirrors a statutory subchapter relating to subdivision platting requirements in a county near an international border, including provisions providing for offenses, except as follows under this heading.

C.S.H.B. 3680 defines the following:

- "lot" as a parcel into which land is divided, rather than a parcel into which land that is intended for residential use is divided; and
- "subdivide" as to divide the surface area of land into lots, rather than as to divide the surface area of land into lots intended primarily for residential use.

The bill's 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, rather than applying only to land that is subdivided into two or more lots that are intended primarily for residential use in the jurisdiction of the county. The bill does not include the provision that establishes that a lot is presumed to be intended for residential use if the lot is five acres or less. The subchapter does not apply to a subdivision that has received an exemption from a county under the Water Code as provided by

the bill. The subchapter does not apply if all of the lots of the subdivision are five acres or more in area, rather than not applying if all of the lots of the subdivision are more than 10 acres.

C.S.H.B. 3680 requires a subdivider of land to have a plat of the subdivision prepared if at least one of the lots of the subdivision is less than five acres, rather than if at least one of the lots of the subdivision is five acres or less. The bill authorizes a commissioners court to require each subdivider of land to prepare a plat if none of the lots is less than five acres but at least one of the lots of a subdivision is more than five acres but not more than 10 acres, rather than authorizing a commissioners court by order to require each subdivider of land to prepare a plat if none of the lots is five acres or less but at least one of the lots of a subdivision is more than five acres but not more than 10 acres.

C.S.H.B. 3680 prohibits a county from requiring 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:

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

The bill requires such a purchaser of a lot to 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. The bill authorizes a county, in its sole discretion and on a determination that good cause exists, to grant an exception to the plat requirements of the bill's subchapter for an individual lot that the county determines:

- is located within 50 feet of a connection to a municipal water service;
- is adjacent to a public road;
- has either:
  - sufficient space to accommodate a sewer service facility that complies with the model rules of the Texas Water Development Board (TWDB) relating to minimum standards for safe and sanitary water supply and sewer services in residential areas of political subdivisions; or
  - a connection to an existing public sewer service within 50 feet; and
- a civil engineer registered to practice in Texas and not affiliated with the owner of the lot has certified:
  - has adequate drainage; and
  - is not in a floodplain.

The bill requires the commissioners court, before granting such an exception, to make a finding that specifies the reasons for the court's determination that:

- good cause exists to grant the exception; and
- the lot meets the requirements for the exception.

The bill requires the commissioners court to enter in the record of the court's proceedings:

- the court's findings; and
- the information submitted to the court to support the court's determination.

The bill authorizes the commissioners court to adopt rules and procedures necessary to administer and enforce these provisions of the bill relating to plat requirement exceptions.

C.S.H.B. 3680 authorizes the commissioners court of a county or the court's designee to delegate to one or more officers or employees of the county the ability to approve, approve with conditions, or disapprove a plat that:

- is amending a plat; or
- involves four or fewer lots that each meet the requirements for an exception to the subchapter's plat requirements.

The bill grants an applicant the right to appeal to the commissioners court or the court's designee if the designated person disapproves a plat.

C.S.H.B. 3680, rather than requiring, as in current law, a bond to be conditioned on the construction or installation of water and sewer service facilities that will be in compliance with

the TWDB's model rules relating to minimum standards for safe and sanitary water supply and sewer services in residential areas of political subdivisions, requires a bond, for a bond for construction of water and sewer service facilities, to be conditioned on the construction or installation of facilities that will be in compliance with those model rules. The bill authorizes a commissioners court, in its sole discretion, to allow a person to stop maintaining a bond for construction of sewer service facilities for a lot that does not have an installed sewer service facility if:

- the person has completed the installation of all applicable required water facilities and roads and streets;
- the owner of the lot has not resided on the lot for a period of 60 months after the date of execution of the deed to the owner;
- the person delivers to the commissioners court an applicable affidavit from the owner; and
- the lot has sufficient space to accommodate a sewage facility that complies with Health and Safety Code provisions relating to on-site sewage disposal systems and with 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.

The bill requires the affidavit to 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."

C.S.H.B. 3680 does not include a prohibition against a utility, except as otherwise provided, serving or connecting any subdivided land with electricity or gas unless the entity receives an applicable determination from the county commissioners court that adequate water and sewer services have been installed to service the lot or subdivision. With respect to the certain authorization for a utility that does not hold an applicable certificate issued by, or has not received an applicable determination from, the commissioners court to serve or connect subdivided property with electricity or gas to provide that service to a single-family residential dwelling on that property under certain conditions, the bill includes among such electricity or gas service or connection water or sewer service or connection. The bill includes as required conditions the person requesting utility service being the owner and occupant of the residential dwelling and the utility having previously provided the utility service to the property for the person requesting the service, rather than the person requesting utility service being the owner and occupant of the residential dwelling, the person, on or before January 1, 2001, having owned and occupied the residential dwelling, and the utility having previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service.

C.S.H.B. 3680 establishes that a person who holds a real estate broker's or sales agent's license under The Real Estate License Act 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 seller or subdivider or who is otherwise affiliated with the seller or subdivider, is not an agent of a seller or subdivider for purposes of provisions relating to advertising standards and other requirements before sale and a related offense or provisions relating to civil penalties. The bill requires a court having jurisdiction of an enforcement action under applicable provisions to dismiss the action if the defendant:

- remedies the violation that is the subject of the enforcement action not later than the 45th day after the date the defendant receives notice of the action; and
- shows good cause for the dismissal.

C.S.H.B. 3680 makes provisions relating to the applicability of infrastructure requirements to lots undeveloped for 25 years or more that are applicable to a county that is adjacent to an international border and contains a municipality with a population of 500,000 or more applicable to a county subject to the bill's subchapter.

### **Water Code Provisions Relating to the TWDB's Model Rules**

C.S.H.B. 3680 amends the Water Code to establish that the TWDB's model rules relating to minimum standards for safe and sanitary water supply and sewer services in residential areas of political subdivisions do not supersede an exception to a platting requirement prescribed by the bill's subchapter relating to subdivision platting requirements in certain counties near an international border and the Gulf of Mexico. The bill includes as a condition under which a county or municipality that receives funds or financial assistance for facility engineering in an economically distressed area or for water supply and sewer service projects in such an area may grant an exemption for a subdivision from the requirements of the model rules the condition that the subdivision:

- is located within a county subject to the bill's subchapter relating to subdivision platting requirements in certain counties near an international border and the Gulf of Mexico; and
- involves four or fewer lots that:
  - 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
  - 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.

### **Conforming Changes**

C.S.H.B. 3680 amends the Property Code and Tax Code to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3680 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute provide for the authority of an applicable county to grant an exception to the bill's plat requirements for an individual lot that the county determines, in part, is located within 50 feet of a certain connection, the introduced specified a service connection to an existing public water system, whereas the substitute specifies a connection to a municipal water service.