By: Perry S.B. No. 263

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of subdivisions and approval of subdivision plans or plats.

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

SECTION 1. Section 212.0101, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-3) to read as follows:

(a) Except as provided by Subsection (a-1), 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 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; and

(3) complies with the rules adopted by the Texas Commission on Environmental Quality under Subsection (b).

(a-3) A municipal authority shall disapprove a plat application if the application fails to comply with the requirements of this section.

(b) The Texas Commission on Environmental Quality by rule shall establish:

(1) the appropriate form and content of a certification to be attached to a plat application under this section; and

(2) what constitutes credible evidence of groundwater availability for the purpose of Subsection (a-1)(1).

SECTION 2. Sections 232.0015(c) and (f), Local Government Code, are amended to read as follows:

(c) A county may not require 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:

(1) the owner does not lay out:

(A) a part of the tract described by Section 232.001(a)(3); or

(B) one or more streets, alleys, squares, parks, or other parts of the tract intended for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and

(2) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

(f) A county may not require 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:

(1) all of the lots of the subdivision are more than 10 acres in area; and

(2) the owner does not lay out:

(A) a part of the tract described by Section 232.001(a)(3); or

(B) one or more streets, alleys, squares, parks, or other parts of the tract intended for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

SECTION 3. Section 232.0032, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-3) to read as follows:

(a) Except as provided by Subsection (a-1), 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 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; and

(3) complies with the rules adopted by the Texas Commission on Environmental Quality under Subsection (b).

(a-3) A commissioners court shall disapprove a plat application if the application fails to comply with the requirements of this section.

(b) The Texas Commission on Environmental Quality by rule shall establish:

(1) the appropriate form and content of a certification to be attached to a plat application under this section; and

(2) what constitutes credible evidence of groundwater availability for the purpose of Subsection (a-1)(1).

SECTION 4. Section 35.019(a), Water Code, is amended to read as follows:

(a) Notwithstanding Section 232.001(h), Local Government Code, the [~~The~~] commissioners court of a county in a priority groundwater management area may adopt water availability requirements in an area where platting is required if the court determines that the requirements are necessary to prevent current or projected water use in the county from exceeding the safe sustainable yield of the county's water supply.

SECTION 5. The changes in law made by this Act apply only to a plat application filed on or after the effective date of this Act.

SECTION 6. Not later than January 1, 2028, the Texas Commission on Environmental Quality shall adopt rules as required by Sections 212.0101(b) and 232.0032(b), Local Government Code, as amended by this Act.

SECTION 7. This Act takes effect January 1, 2028.