

- SUBJECT:** Exempting certain subdivisions from border county platting requirements
- COMMITTEE:** Border and International Affairs — committee substitute recommended
- VOTE:** 6 ayes — Chavez, Griggs, Canales, Castro, Merritt, Riddle  
0 nays
- WITNESSES:** For — James P. Atkins, Valley One Real Estate Financing; Jack McClelland, Texas Land Developers Association; (*Registered, but did not testify:*) Veronica De Lafuente, Cameron County Judge’s Office  
  
Against — (*Registered, but did not testify:*) Jim Allison, County Judges and Commissioners Association of Texas
- BACKGROUND:** Approval of plats is the primary tool by which a county regulates subdivision development. A plat is a legal document that includes a map of the subdivided property and public improvements, such as streets or drainage infrastructure. A plat must be approved by the county commissioners court and filed with the county clerk as a permanent real property record. The plat may be used for land title research, land sales, or property tax purposes.  
  
Local Government Code, ch. 232 governs county subdivision regulation and platting approval. Under Subchapter A, which outlines subdivision platting requirements in general, a county may not require a plat for a subdivision of land in which all the lots are 10 acres or larger and the subdivision does not include public improvements, such as streets, alleys, squares, or parks.  
  
Subchapter B applies to counties within 50 miles of the Texas-Mexico border, granting them specific powers to regulate subdivisions and approve plats in unincorporated areas. An owner subdividing land into lots that are five acres or less must have a plat of the subdivision prepared.
- DIGEST:** CSHB 3221 would specify that Local Government Code, ch. 232, subchapter B does not apply to a subdivision in which every lot is 10 acres or larger.  
  
The bill would take effect September 1, 2003.

**SUPPORTERS  
SAY:**

HB 3221 would clarify that the law exempts subdivisions with lots 10 acres or larger from platting requirements in counties along the U.S.-Mexico border. Different interpretations of platting requirements for these subdivisions have created confusion in border counties. For example, Cameron County exempts 10-acre-lot subdivisions from platting requirements, while adjacent Hidalgo County requires plats. The resulting confusion puts developers at risk, because an attorney general opinion on the issue could contradict a county's requirements with which a developer had complied.

In addition, requiring plats of a subdivision greatly increases the cost of the lot to the home buyer. Preparing a plat and obtaining county approval often is an expensive and time-consuming process for a developer, who, in turn, passes the costs on to customers.

The Legislature has granted border counties special authority to cope with the proliferation of colonias, substandard housing developments that lack basic amenities. However, colonias developments usually are not 10-acre-lot subdivisions. Colonia developers generally target low-income customers, not those seeking to buy 10 acres of land or more. The bill would not reduce border counties' ability to deal with colonias.

**OPPONENTS  
SAY:**

The bill would reduce border counties' ability to regulate subdivision development. The Legislature has acknowledged that special conditions exist along the border by creating subchapter B, granting border counties specific authority to regulate subdivision development. Under current law, border counties have the option of requiring plats for subdivisions with lots larger than five acres. The bill would reduce local control and would eliminate an option for controlling subdivision development along the border.

**NOTES:**

The committee substitute modified the bill as introduced by extending the exemption to lots that were 10 acres or larger, instead of larger than 10 acres.