

Policy Memo Regarding Impacts of HB 3697 on Rural Counties

Dear [Insert Name of Representative],

In the 88th Session, members of the legislature passed HB 3697, a bill introduced by Representative Terry Wilson and sponsored by Senator Paul Bettencourt, which impacted various areas of the county subdivision platting process, including striking out an important part of the Local Government Code Section 232.001 that required subdivisions to go through the platting process, regardless of whether the roads they were building were public or private. Linked [here](#) is the conference report for your reference. **The result of this strikethrough is that developers subdividing land into 10+ acre lots are interpreting the law to mean that they are exempted from platting so long as streets, alleys, squares, parks, or other parts of the tract are not dedicated to *public* use.**

As county commissioners representing various rural counties in Central Texas, we appreciate that the intent of HB 3697 was to clarify the platting and protect the private property rights of land developers. However, we believe that the change made to Section 232.001 (a) of the Local Government Code, in bold above, has had unintended consequences that threaten the health and safety of our citizens, disadvantage unknowing property buyers at the gain of irresponsible land developers, and ultimately place undue financial burden on counties.

We write this letter to outline our areas of greatest concerns in the hopes that the legislature may pass an administrative fix for the **unintended impacts of HB 3697**:

Developers may now try to circumvent the platting process by declaring all roads private in subdivisions with 10+ acre lots. In our rural counties, most subdivisions are for 10+ acre lots, which means that as a result of HB 3697, we have lost our main tool for protecting our citizens from irresponsible development. It is via the platting process that we ensure roads are accessible to Emergency Service Providers like the Fire Department and ambulances, and that residents relying on wells have adequate groundwater supply. Developers that have the option to get around our subdivision regulations and pre-platting requirements, such as groundwater availability studies, will almost always choose to do so. We are not sure this point was fully understood when the bill was passed nor if HB 3697 negates the intent of enrolled SB 2440 to ensure groundwater is an available resource. County governments want to be very clear: with this change, we have few tools to guide most of the development in our rural counties.

Collectively, since the passage of this bill, we have seen over a dozen subdivisions that were formerly in the platting process exempt themselves from platting, getting around our groundwater availability study requirements and road standards.

Irresponsible land developers can take advantage of unknowing property buyers, who may struggle to insure their property or secure a mortgage given substandard access to emergency services and water. Purchasers of land without adequate road access to fire suppression services or a reliable water supply may find it difficult to insure their property or

secure a mortgage given the increasing incidence of wildfire and aquifer decline that we are seeing across Central Texas. Currently, insurance companies are increasing rates or refusing to offer coverage due to fire risk (see Llano County example [here](#)). Over time, these lots without access to basic utility easements, services and resources may lose value, as compared to subdivisions with county standard roads, access to fire and emergency services, and a firm-yield water supply.

Eventually, the county and county taxpayers will take on the burden of upgrading roads and providing water to communities that need and expect basic services. Over time, as the pace of development continues to rise in Central Texas, these rural developments will find themselves seeking access to fire and emergency services. Residents will petition the county for assistance on road and water infrastructure, and with the developer long gone, the financial burden will fall on the county and its taxpayers.

We ask that you consider passing an administrative correction in the 89th Legislative Session, by simply reinstating the language that was struck out in Section 232.001 (a).

This correction would go a long way towards restoring the few protections available to property buyers in rural counties, and the limited tools available to rural counties to protect the health and safety of our citizens.

Thank you for your consideration of our concerns,

[Insert Signatures Here]