



OFFICE OF THE COUNTY JUDGE
County Of Hidalgo

RAMON GARCIA
County Judge

March 27, 2017

Chairman Abel Herrero
P.O. Box 2910
Austin, Texas 78768

Chairman Herrero:

Please allow this correspondence to serve as formal opposition by Hidalgo County to HB 1328, HB 1386 and HB 3352. Our County with an unincorporated population of over 300,000 comes in as the 5th largest in the State in terms of that demographic and with over 15,000 approved residential lots over the last decade alone. The colonia prevention laws enacted in 1990's have been vital tools that have allowed our County to ensure that every single one of these lots have the water and wastewater facilities necessary to prevent substandard living conditions.

It is our understanding that HB 1328 allows for the advertising of unplatted properties while HB 1386 also allows for entering into earnest money contracts on lots that have not been recorded. We feel that this would cause confusion and cause unscrupulous individuals to possibly take advantage of potential purchasers. The system in place currently prohibits this practice and ultimately guarantees that lot purchasers receive properly platted lots with water and sewer facilities paid for by the seller. It has also been our experience that the subdivisions that are being developed in our County are being sold very rapidly due to the easy owner financing and a lack of building restrictions. Therefore, we see no need for these bills to become law, at least in our County.

After reviewing HB 3352, it is made clear that the intent of this bill is to allow for a "cure" period for violations of the Model Subdivision Rules found in the Texas Local Gov. Code and in the Water Code. According to Mr. T.J. Arredondo, Director of Planning for Hidalgo County, this bill and a similar bill from the last legislative session originated from concerns with potential lawsuits by the State against land developers for "minor" infractions and for "typographical" errors and omissions. Mr. Arredondo's response is that in his 15 years of working with the County he has yet to see a lawsuit for something as minor as an error or an omission on a subdivision plat. The current practice from the Office of the Attorney General and Hidalgo County with regard to potential lawsuits for violations of the Subdivision Regulations is to first notify the offender of the violation in writing and then to provide for sufficient time to remediate the violation. A lawsuit is the last resort and only comes when it is obvious that a solution is unattainable.

In closing, it is our opinion that any relaxing of these laws would be a detriment to the progress that our County and State have made in preventing the proliferation of colonias and to the saving of millions taxpayer dollars spent on alleviating these issues.

Respectfully,


Ramon Garcia