

## **BILL ANALYSIS**

Senate Research Center

S.B. 2440  
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Water, Agriculture & Rural Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There have been many instances around the state where new housing developments are being built and groundwater is stated as an available resource. There is no guarantee that groundwater is actually there and many people who are buying their retirement home or their first home are stuck without water.

This has also been happening in other states, where developers state there is available groundwater when there is not.

(Original Author's/Sponsor's Statement of Intent)

S.B. 2440 amends current law relating to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 212.0101, Local Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires that 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, except as provided by Subsection (a-1), have attached to it a statement that meets certain criteria. Deletes existing text authorizing the municipal authority responsible for approving plats by ordinance, if a person submits a plat 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, to require the plat application to have attached to it a statement that meets certain criteria.

(a-1) Authorizes a municipal authority responsible for approving plats to waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the municipal authority determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

(2) either:

(A) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or

(B) the proposed subdivision divides the tract into not more than 10 parts.

(a-2) Requires a person subject to a waiver authorized by Subsection (a-1)(2)(B) regarding a subdivided tract of land to comply with the requirements of Subsection (a) if:

(1) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or

(2) the municipal authority determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

SECTION 2. Amends Section 232.0032, Local Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires that 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, except as provided by Subsection (a-1), have attached to it a statement that meets certain criteria. Deletes existing text authorizing the commissioners court of a county by order, if a person submits a plat 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, to require the plat application to have attached to it a statement that meets certain criteria.

(a-1) Authorizes a commissioners court to waive the requirement prescribed by Subsection (a) that a plat application have attached to it a statement described by that subsection if:

(1) based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the commissioners court determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

(2) either:

(A) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or

(B) the proposed subdivision divides the tract into not more than 10 parts.

(a-2) Requires a person subject to a waiver authorized by Subsection (a-1)(2)(B) regarding a subdivided tract of land to comply with the requirements of Subsection (a) if:

(1) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or

(2) the commissioners court determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: January 1, 2024.