

Illegal Subdividing

Commissioners Court

January 23, 2023

Statement of Problem and Magnitude

- Land owner selling parts of their land (subdividing) without following the Subdivision Regulations
- Severe consequences to lot buyers
- Number of incidents
 - Many that are only cutting out one or two lots; usually can work through these
 - Have had two major problem illegal subdivisions in the last three years

Resulting Consequences for Lot Buyers

- Not enough room for compliant septic system
- County cannot issue septic system permit without OSSF plat review
- May not be able to get utilities
- Access may be inadequate

Resulting Consequences for Lot Buyers (cont'd)

- Possibly affects ability to get home loans and insurance
- Potential house code violations
- House or lot may be in flood plain
- Postal service may be denied

Current Enforcement/Remedy Options

- Land Owner Options
 - Partially a civil issue – lot buyers can sue seller
 - Owner ask Sheriff to investigate and possibly take to DA
- County Options
 - Com Court ask DA to bring criminal charges (Class B Misdemeanor)
 - If utilities can not be provided, file an injunction for a continuing violation of Subdivision Regulations

Ideas for Preventing Illegal Subdivisions

- Increase severity of penalties of current provisions
- New statute to force sub-divider to go through subdivision process and buy back lots if subdivision cannot comply (with enforcement measures)
- New statute making it illegal for surveyor to provide survey for illegal subdivision (with appropriate fines/penalty)

Ideas for Preventing Illegal Subdivisions (cont'd)

- New statute making it illegal for licensed realtor to facilitate selling lots in illegal subdivision
- New statute requiring all “contracts for sale” to be recorded with County Clerk
- New statute to require all deeds filed with metes and bounds descriptions to be approved by Engineering Dept or Development Services before filing with County Clerk