

# Model Subdivision Rules Training Course

**WELCOME!**

# Model Subdivision Rules Training Course

No Texas families should have to live in residential subdivisions without adequate drinking water & wastewater services



# Model Subdivision Rules Training Course

The Texas Water Development Board (TWDB)  
has developed the Model Subdivision Rules to:

Safeguard residents by  
ensuring safe, sanitary  
water & sewer services



# Model Subdivision Rules Training Course

Creates new opportunities to receive financial assistance for water & wastewater infrastructure to areas in need



# Model Subdivision Rules Training Course

During training, you will learn MSR:

- Goals
- Importance
- Benefits to your community
- Responsibility to implement them
- Authority & obligation to enforce them



# Model Subdivision Rules Training Course

Resources on the TWDB's MSR website  
& this training can:

Assist with applying for  
financial assistance from  
TWDB to address inadequacies  
with water & wastewater in  
economically distressed areas



# Model Subdivision Rules Training Course

All applicable information is available  
on the TWDB MSR website:

- Laws
- Rules
- Samples
- Forms
- Applications for financial assistance from TWDB



[www.twdb.state.tx.us/assistance/msr/index.htm](http://www.twdb.state.tx.us/assistance/msr/index.htm)

# Model Subdivision Rules Training Course

## Part 1

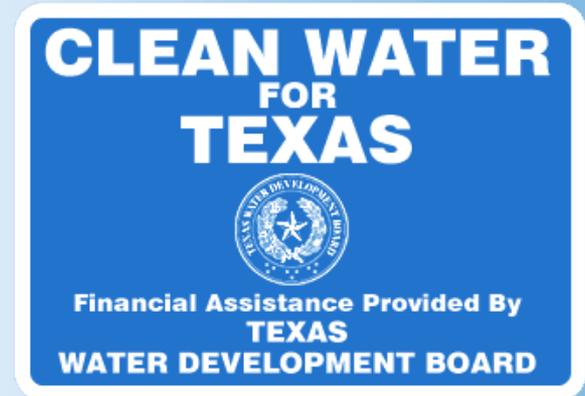
History of Model Subdivision Rules

## Part 2

How MSRs Apply to Residential  
Subdivision Developers

## Part 3

Adopting & Implementing  
Model Subdivision Rules





# Part I

## History of Model Subdivision Rules



# MSR History

MSRs were enacted in 1989 to:

Empower counties to prevent colonia proliferation along the Texas-Mexico border



# MSR History

These economically distressed areas are often:

- Located outside the boundaries of municipal government authority
- Lack clean drinking water
- Lack adequate sewer services
- Lack decent roads or
- Other essential utility services



# MSR History

In 2005 the law changed to authorize any **county or a city** within a county eligible for Economically Distressed Areas Program (EDAP) assistance to adopt & enforce MSRs.



# MSR Goals

## MSRs have three distinct goals:

1. Empower cities & counties to prevent the growth of residential developments lacking water & wastewater infrastructures
2. Prevent residential lots from being sold if utilities are not in place
3. Assist economically distressed areas to obtain or improve water & wastewater services



# MSR Adoption & Compliance Benefits

- Enables any city or county to **apply** for grants & loans from TWDB's Economically Distressed Areas Program (EDAP)
- Encourages cost-effective water & wastewater systems
- Maximizes long-term economic development of eligible areas



# MSR Adoption & Compliance Benefits

## EDAP projects include:

- Wastewater treatment plants
- Water towers
- Water storage tanks
- Sewers
- Pipelines
- Fire hydrants &
- Numerous other water delivery systems



# MSR Adoption & Compliance Benefits

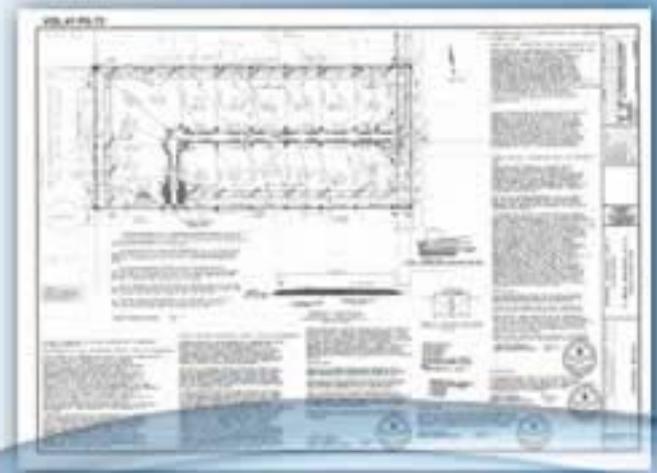
Available funds for political subdivisions of the state include:

- Cities
- Counties
- Municipal utility districts
- Water supply corporations & others



# MSR Adoption & Compliance Benefits

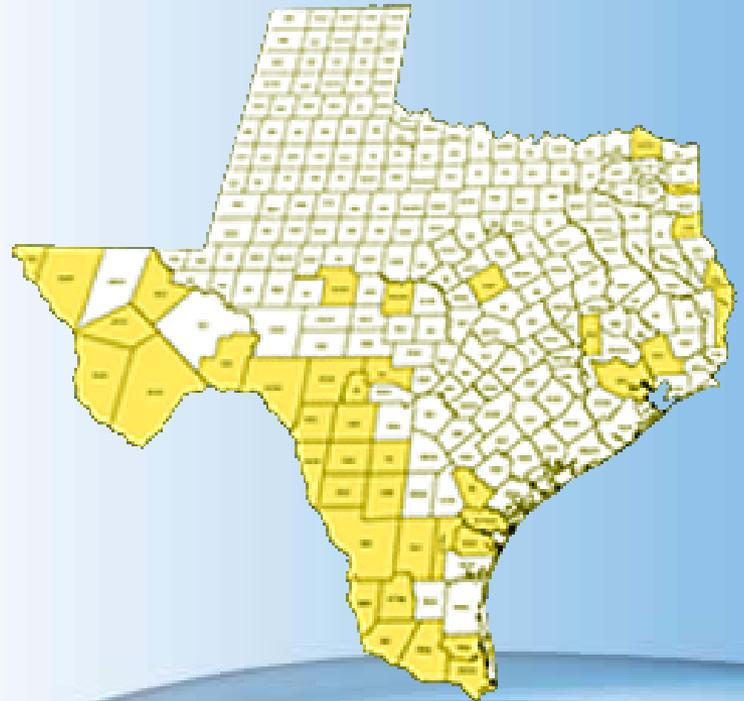
- MSRs give you greater responsibility
- Provide greater authority to oversee residential subdivision development



# MSR Adoption & Compliance Benefits

## As of February 2009

- More than 40 counties have adopted MSRs
- 58 cities within those counties have also adopted MSRs



# Impact of EDAP

Since the creation of EDAP & other financial assistance programs targeted at economically distressed areas, the TWDB has committed:

- More than **\$25.4 million** in planning & design funds
  - More than **\$578.7 million** has been invested in construction projects to upgrade water & sewer services
  - More funds are available for economically distressed communities that implement & enforce MSR





# Part II

## How MSRs Apply to Developers



# How MSRs Apply to Developers

Residential subdivision developers must:

- Follow guidelines when platting subdivisions of two or more lots of 5 acres or less
- Provide adequate water & wastewater services
- Document in the subdivision plat how services will be constructed or installed



# How MSRs Apply to Developers

Developers must submit to city & county:

1. A description of the water & sewer facilities to be installed
2. A statement declaring when these facilities will be operable
3. Certification from a licensed, professional engineer stating that facilities are MSR compliant



# “Build It or Bond It”

This provision requires developers to either:

- Construct or install operable water & sewer facilities at the time the FINAL plat is approved  
*or*
- Provide the county with a bond or letter of credit in a sufficient amount to cover costs for construction of the facilities



# “Build It or Bond It”

State laws prohibit developers in counties/cities that adopt MSR from:

Selling or conveying subdivided land for residential purposes until the

- Plat has been approved by the city or county &
- The final plat has been properly recorded by the county clerk

*State law provides limited exceptions for cases in which residential subdivision plats are not required*

# Specific State Laws

For help involving the platting process required by MSR's & other related information such as:

- Frequently Asked Questions
- Statutes
- Regulations
- Sample Forms

Please visit the TWDB MSR website

Project Finance & Construction Assistance

MSR Training

Model Subdivision Rules Training

Welcome to the Local Government Training for Model Subdivision Rules

The training will take approximately 20 minutes. By rule, the training may be required of any county or municipality that wants to apply for financial assistance from the Texas Water Development Board's Economically Distressed Areas Program.

Training Presentation

Presentation via Elluminate

Texas Water Development Board  
2700 North Congress Avenue  
Austin, Texas 78701  
Telephone: (512) 963-7847 • Fax: (512) 476-2053  
E-Mail: [info@twdb.state.tx.us](mailto:info@twdb.state.tx.us)

FWA, Economic Search  
Connect with Texas  
Texas Online  
Texas Homeland Security  
Environmental & Natural Resources Portal



# Part III

## Adopting & Implementing Model Subdivision Rules



# How MSRs Apply to Local Governments

The state's goal in creating MSRs is to:

- Protect the health & well being of its residents
- Improve the water & sewer services in residential communities



# How MSRs Apply to Local Governments

To meet these goals, the state works with city & county governments by:

- Defining a set of rules for local governments to follow when approving the creation of residential subdivisions
- Granting these governments the responsibility for: adopting, implementing & enforcing these rules



# How MSR's Apply to Local Governments

Before signing off on final residential subdivision plats:

- Local governments & staff must ensure that developers are complying with MSR's
- Certify that engineers have met their platting requirements



# How MSR's Apply to Local Governments

- Eligibility for state financial assistance can be denied or revoked if the TWDB determines a county or city is not complying with its adopted MSR's through the platting process
- Complying with MSR's reap these benefits:
  - Better residential subdivisions & communities
  - Access to financial assistance for water & wastewater services



# How MSRs Apply to Local Governments

MSRs ensure that residential subdivision developments with lots of five acres or less have:

1. No more than one single-family detached dwelling on a lot
2. Adequate drinking water
3. Adequate sewer services through septic tanks, public or private sewer services
4. Road or property setbacks that enable these services & reduce fire risks



# How MSR's Apply to Local Governments

- Commissioners courts cannot grant a developer an extension of time for operable water & wastewater services if a residence would be occupied without these services
- Once plats are approved, they may be reviewed by the TWDB at any time
- If the Board determines a political subdivision is not enforcing MSR's, financial assistance may be denied or discontinued



# Process to Adopt MSR's

## The city or county must:

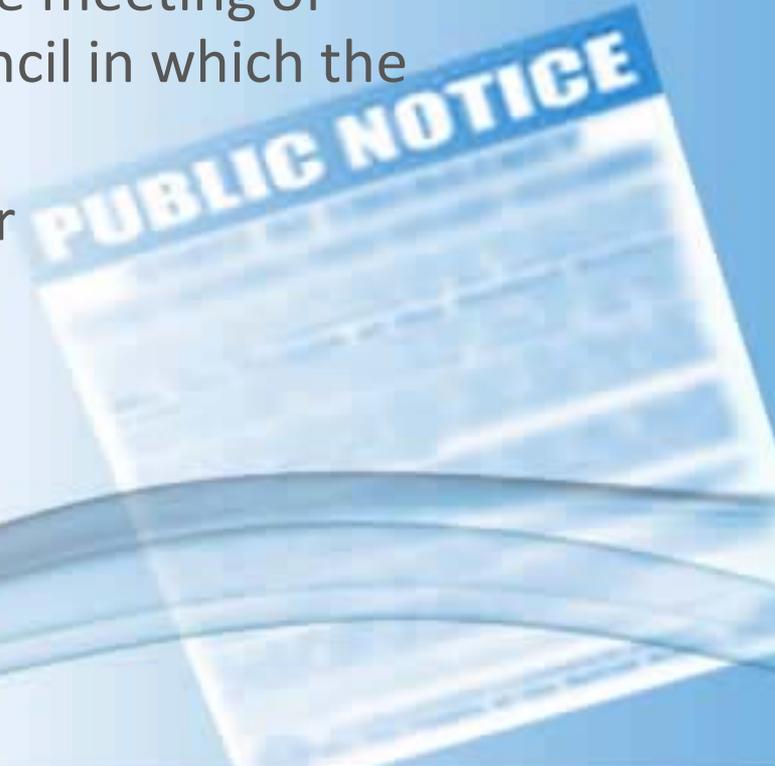
1. Provide notice of a public hearing & publish draft MSR's
2. Hold a public hearing on draft MSR's
3. Consider public comments to draft MSR's
4. Provide a notice of city or county consideration of draft MSR's
5. Submit the MSR's to the TWDB
6. Adopt the MSR's in a public meeting
7. Enforce the MSR's through the platting process



# Submitting Adopted Rules to TWDB

## The city or county must provide:

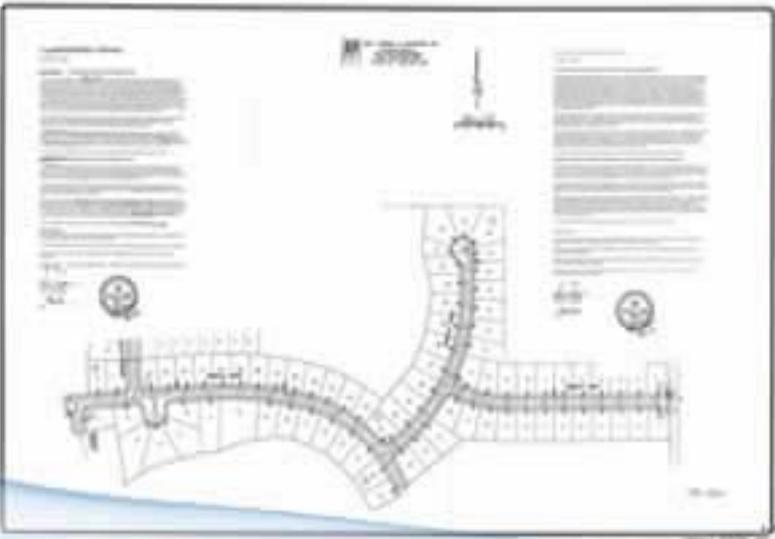
1. Public notice of public hearing on the draft rules
2. Public notice of meeting where rules were adopted
3. Copies of the adopted regulations, ordinances & resolutions
4. A certified copy of the minutes of the meeting of the commissioners court or city council in which the MSRs were adopted
5. An affidavit from the county judge or mayor certifying compliance with MSRs acknowledging that financial assistance from the Board is dependent on MSR compliance



# How to Implement MSR's

City & County governments that have adopted MSR's:

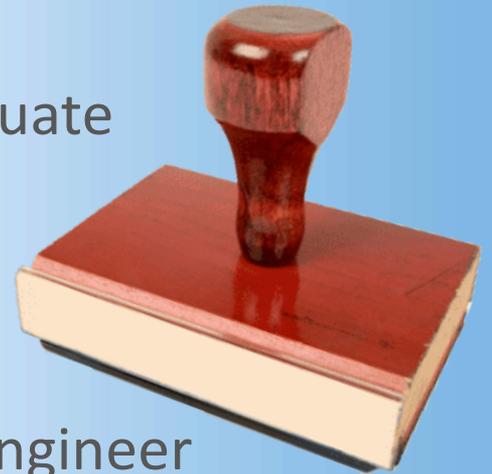
- Have oversight of residential subdivision developments
- Are responsible for ensuring that developers are complying with MSR's
- Must submit documented plats for residential subdivisions



# How to Implement MSR's

Before approving a FINAL residential subdivision plat, city & county governments should verify the plat includes:

1. Description of the method to provide adequate water service & wastewater service
2. Copy of the service contract between the developer & utility provider
3. Certification from a licensed professional engineer regarding the method for providing these services
4. Show adequate property setbacks or roads to ensure these services & reduce fire risks



# How to Implement MSRs

There are three options for meeting the water supply requirements for adequate drinking water:

1. Connect to an existing public water system
2. Create a **new** public water utility provider, complying with requirements of Texas Commission on Environmental Quality (TCEQ)
3. Install wells that meet public drinking water standards

ALL OPTIONS MUST CERTIFY 30 YEARS OF SERVICE OR SUPPLY  
Please refer to the TWDB MSR website for more details

# How to Implement MSRs

There are 3 options to comply with MSR Sewer Services:

1. Connect to an existing wastewater utility
2. Create a new central wastewater provider or
3. Install On-Site Sewerage Facilities (OSSF) meeting state requirements

ALL OPTIONS MUST CERTIFY 30 YEARS OF SERVICE OR CAPACITY  
Please refer to the TWDB MSR website for more details



# How to Implement MSR's

The TWDB can provide technical assistance for developing local MSR's by providing the following resources on the TWDB website:

- Flow Charts
- Timelines
- Checklists
- Sample forms
- Examples of MSR's adopted by other communities



# How to Implement MSRs

In an effort to eliminate substandard subdivision developments, the state is authorized to prosecute violators. If you have concerns or need assistance:



- The Office of the Attorney General has information regarding the laws that apply - <http://www.oag.state.tx.us>



- The Texas Secretary of State maintains a network of Ombudsmen who can provide assistance regarding potential violators - <http://www.sos.state.tx.us>



- The TCEQ provides inspections to ensure compliance <http://www.tceq.state.tx.us>

# This completes your Model Subdivision Rules Training Course!

The TWDB appreciates your interest & commends you on accepting the responsibilities that will safeguard & enhance the health & welfare of your community.



# Conclusion



As you work through the adoption & implementation process, please refer to the:

- Documents
- Rules
- Regulations
- Application forms
- Frequently Asked Questions



Located in the TWDB MSR website

This presentation can be downloaded to your computer or a CD ROM

# Conclusion

Those of you who may be required to complete this training can download the affidavit from the website and have it notarized as required by Texas Water Development Board.



# Conclusion

This training, along with the materials available on the TWDB MSR website, are designed to provide you & your staff with the tools you need to apply for financial assistance through the Economically Distressed Area Program from the Texas Water Development Board.



# Conclusion

We encourage you to take the **survey** located on the TWDB MSR website to provide us with your opinion on this training course. All surveys are **anonymous**.

