

19984

FILED FOR RECORD at <u>3:00</u> o'clock <u>P</u> M <div style="border: 1px solid black; padding: 5px; text-align: center;"> MAR 24 2026 </div> BECKY LANDRUM County Clerk, Hunt County, Tex.
--

ORDER AND RESOLUTION NO.

AN ORDER AND RESOLUTION OF THE COMMISSIONERS COURT AMENDING THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 232; PROVIDING FOR REQUIRED SUBMISSION OF GOVERNING INSTRUMENTS DURING SUBDIVISION REVIEW; ESTABLISHING CONDITIONS FOR PLAT APPROVAL; AND PROVIDING FOR RELATED ADMINISTRATIVE PROCEDURES

WHEREAS, Hunt County is authorized under Texas Local Government Code Chapter 232 to adopt and enforce rules governing the subdivision and platting of land in the unincorporated areas of the County; and

WHEREAS, Texas Local Government Code § 232.003 authorizes the Commissioners Court to adopt and amend subdivision regulations after publication of notice in a newspaper of general circulation in the county; and

WHEREAS, Notice of the Commissioners Court's intent to consider amendments to the Hunt County Subdivision and Land Development Regulations was duly published in accordance with Texas Local Government Code § 232.003; and

WHEREAS, The Commissioners Court finds that requiring submission of governing instruments affecting ownership, transfer, use, access, and governance of property within subdivisions promotes transparency, protects purchasers, and supports compliance with applicable state and federal law; and

WHEREAS, The Commissioners Court further finds that such requirements will assist the County in ensuring that subdivision plats comply with adopted subdivision regulations prior to approval and recording;

WHEREAS, in compliance with Texas Local Government Code Chapter 232, Hunt County posting notice of a public hearing by publishing notice in the local newspaper, and by publishing notice in compliance with the Texas Open Meetings Act;

WHEREAS, a public hearing occurred during a Commissioners Court meeting on March 10, 2026, to allow the public to voice support or opposition to amendments to the Hunt County Subdivision and Land Development Regulations; and

NOW, THEREFORE, BE IT ORDERED AND RESOLVED BY THE HUNT COUNTY COMMISSIONERS COURT THAT:

The Hunt County Subdivision and Land Development Regulations are hereby amended as set forth below.

1. AMENDMENT TO SECTION 3.02 – GENERAL APPLICATION PROCESSING

Section 3.02. 'General Application Processing,' is hereby amended by adding the following subsection:

3.02.D.1.1: "Submission of Governing Instruments.

- (a) As a condition of administrative completeness for any subdivision application, including a Preliminary Plat, Final Plat, Replat, Short Form Final Plat, or other subdivision application submitted pursuant to these Regulations, the Applicant shall submit copies of all Governing Instruments applicable to the proposed subdivision.
- (b) For purposes of these Regulations, "Governing Instruments" include any document or instrument, whether recorded or unrecorded, that affects ownership, transfer, occupancy, use, governance, or access within a subdivision, including but not limited to:
 - (i) restrictive covenants;
 - (ii) declarations of covenants, conditions, and restrictions;
 - (iii) homeowners' association or property owners' association declarations and bylaws;
 - (iv) architectural control agreements or design guidelines;
 - (v) deed conditions or reversionary interests;
 - (vi) transfer approval provisions or rights of first refusal;
 - (vii) membership or residency agreements;
 - (viii) business-entity ownership documents governing residential use of property;
 - (ix) ground lease agreements affecting subdivision property;
 - (x) private road maintenance agreements or access governance provisions;
 - (xi) arbitration or dispute resolution provisions applicable to property ownership or use; or
 - (xii) any other instrument intended to regulate ownership, transfer, use, occupancy, or access to property within the subdivision.
- (c) An application shall not be deemed administratively complete unless the documents required by this subsection are submitted or the Applicant provides, in lieu thereof, a written certification executed before a notary public, on a form prescribed by the Responsible Official, stating under oath that: (i) no Governing Instruments within the meaning of Section 3.02.D.1.1(b) exist with respect to the proposed subdivision; (ii) none are contemplated as of the date of the application; and (iii) the Applicant will notify the Responsible Official within five (5) business days if any Governing Instrument is adopted, executed, or recorded prior to the recording of the Final Plat. A false statement on such certification shall constitute a basis for denial or revocation of any plat approval issued in reliance on that certification."

2. AMENDMENT TO SECTION 4.02 – PRELIMINARY PLAT REQUIREMENTS

Section 4.02, 'Preliminary Plat,' is hereby amended by adding the following subsection:

4.02.C.6" "Disclosure of Governing Instruments

The Applicant shall submit draft copies of any Governing Instruments proposed to apply to the subdivision. The Preliminary Plat application shall disclose the existence of any instruments affecting:

- (i) ownership of subdivision property;
- (ii) access to subdivision property or common areas;
- (iii) membership requirements within a property owners' association;
- (iv) private roadways or infrastructure;
- (v) occupancy restrictions; or
- (vi) architectural control provisions.

Failure to disclose such instruments during Preliminary Plat review may constitute grounds for denial of a Final Plat."

3. AMENDMENT TO SECTION 4.03 – FINAL PLAT REQUIREMENTS

Section 4.03, 'Final Plat,' is hereby amended to include the following provisions:

"4.03.C.4:

- (a) Governing Instruments Required. Prior to approval of a Final Plat, the Applicant shall submit final copies of all Governing Instruments applicable to the subdivision. All Governing Instruments must be submitted in final recordable form and must be recorded concurrently with the Final Plat.
- (b) Condition of Final Plat Approval: No Final Plat shall be approved unless:
 - (i) All Governing Instruments affecting lots or common areas within the subdivision have been submitted in final form;
 - (ii) Such instruments are submitted in recordable form; and
 - (iii) The Final Plat provides for the concurrent recording of all required Governing Instruments with the County Clerk.
 - (iv) Failure to submit required Governing Instruments shall constitute grounds for denial of the Final Plat.'

4. AMENDMENT TO SECTION 4.04 — SHORT FORM FINAL PLAT REQUIREMENTS

Section 4.04, 'Short Form Final Plat,' is hereby amended by adding the following subsection to Section 4.04.C, Required Documents:

"4.04.C.3: Governing Instruments Required.

- (a) As a condition of administrative completeness for a Short Form Final Plat application, the Applicant shall submit copies of all Governing Instruments applicable to the proposed subdivision, as that term is defined in these Regulations.
- (b) Failure to submit required Governing Instruments, or to certify under oath on a form prescribed by the Responsible Official that no such instruments exist or are contemplated, shall constitute grounds for denial of administrative completeness and, if not cured, for denial of the Short Form Final Plat.
- (c) All Governing Instruments applicable to a Short Form Final Plat must be submitted in final recordable form and must be recorded concurrently with the Short Form Final Plat."

5. ADDITION TO FINAL PLAT APPROVAL CRITERIA

Section 4.03.I: 'Criteria for Approval,' is amended to add the following subsection:

4.03.I.4: "Compliance with State and Federal Law:

- a. All Governing Instruments submitted pursuant to these Regulations must be in facial compliance with applicable state and federal law governing property ownership, transfer, use, or occupancy.
- b. If any submitted instrument contains provisions that are facially void or unenforceable under applicable law, including provisions prohibited by the Texas Property Code or applicable fair housing laws, the Commissioners Court may deny approval of the Final Plat until such provisions are revised or removed.
- c. The County's review under this subsection is limited to determining whether submitted instruments are facially inconsistent with applicable law and does not constitute legal approval of the substance of any private contract.
- d. Approval of a Final Plat does not constitute a representation or warranty by Hunt County that any Governing Instrument complies with applicable law."

6. AMENDMENT TO SECTION 4.07 (REVISION OF A PLAT — REPLAT)

Section 4.07, 'Revision of a Plat (Replat),' is hereby amended by adding the following subsection to Section 4.07.C, Required Documents:

"4.07.C.5: Governing Instruments Required.

- (a) As a condition of administrative completeness for a Replat application, the Applicant shall submit copies of all Governing Instruments applicable to the area being replatted, as that term is defined in Section 3.02.D.1.1(b) of these Regulations. For a Replat that does not alter common areas, access, or ownership structure, the Applicant may certify

under oath on a form prescribed by the Responsible Official that no Governing Instruments applicable to the lots to be replatted exist or are contemplated.

- (b) If any existing Governing Instrument affecting the lots to be replatted is amended or superseded by the Replat, the Applicant shall submit the amended or superseding instrument in final recordable form for concurrent recording with the Replat.
- (c) Failure to comply with this subsection shall constitute grounds for denial of administrative completeness and, if not cured, for denial of the Replat."

7. AMENDMENT TO SECTION 5.06 - HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATIONS

Section 5.06, 'Homeowners' or Property Owners' Associations,' is amended by adding the following subsection:

5.06.H: "Timing and Disclosure of Governing Instruments: All declarations, restrictive covenants, and other Governing Instruments applicable to a subdivision must:

- (a) All declarations, restrictive covenants, and other Governing Instruments applicable to a subdivision must:
 - (1) be disclosed during Preliminary Plat review as required by Section 4.02.C.6;
 - (2) be submitted in final form prior to Final Plat approval as required by Section 4.03.C.4; and
 - (3) be recorded concurrently with the Final Plat.
- (b) Post-Recordation Restriction on New Governing Instruments Affecting Plat-Related Matters. No new Governing Instrument that alters the physical layout, access, use, or maintenance obligations of platted lots, private roadways, or common areas within the subdivision as depicted on the recorded Final Plat may be recorded after Final Plat approval without the Commissioners Court first approving an amendment to the plat through an Amending Plat, Replat, or other process expressly authorized by these Regulations and Texas Local Government Code Chapter 232. This subsection does not restrict the right of property owners or an HOA/POA to amend internal governance provisions that do not affect the physical layout, access, common-area maintenance structure, or obligations depicted on the recorded plat.
- (c) Amendments to Governing Instruments that do not require a plat amendment under Section 5.06.H(b) remain subject to the requirements of Texas Property Code Chapter 209 and any other applicable state law. Nothing in this Section 5.06.H shall be construed to grant the County authority to approve or disapprove the substantive terms

of private contractual instruments beyond the scope of the County's platting authority under Texas Local Government Code Chapter 232."

8. AMENDMENT TO SECTION 3.06 (HB 3167 ALTERNATIVE FINAL PLAT APPROVAL PROCESS)

Section 3.06, 'HB 3167 Alternative Final Plat Approval Process,' is hereby amended by adding the following subsection:

"3.06.D: Governing Instruments — HB 3167 Applications.

- (a) An Applicant who elects the HB 3167 alternative approval process and does not submit a Preliminary Plat shall submit all Governing Instruments applicable to the proposed subdivision, as defined in Section 3.02.D.1.1(b) of these Regulations, concurrently with the Final Plat application. Because no Preliminary Plat is filed under this process, the disclosure requirement that would otherwise apply at the Preliminary Plat stage under Section 4.02.C.6 shall instead be satisfied at the time of Final Plat application.
- (b) All Governing Instruments submitted under this subsection must be in final recordable form and must be recorded concurrently with the Final Plat.
- (c) Failure to submit required Governing Instruments, or to certify under oath on a form prescribed by the Responsible Official that no such instruments exist or are contemplated, shall constitute grounds for denial of administrative completeness of the Final Plat application under this alternative process and, if not cured, for denial of the Final Plat."

9. TRANSITION PROVISION

The amendments set forth in this Order apply to all subdivision applications for which a Preliminary Plat Application has not been filed as of the effective date of this Order.

10. SEVERABILITY

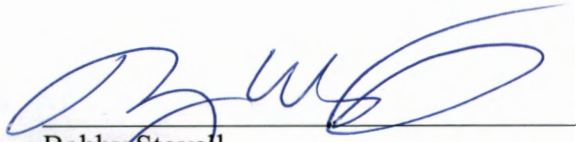
If any provision of this Order is held invalid or unenforceable, such invalidity shall not affect the remaining provisions of these Regulations.

11. EFFECTIVE DATE

This Order shall take effect immediately upon adoption.

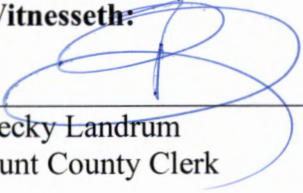
PASSED AND APPROVED this 24 day of March, 2026.

HUNT COUNTY COMMISSIONERS COURT



Bobby Stovall
County Judge

Witnesseth:



Becky Landrum
Hunt County Clerk