

**AFFIDAVIT  
FOR ON-SITE SEWAGE FACILITIES (OSSF) REQUIRING CONTINUOUS MAINTENANCE**

**STATE OF TEXAS § COUNTY OF HAYS §**

I, \_\_\_\_\_ being the owner of property, subject of an On-Site Sewage Facility Authorization Application with Hays County, Texas and being duly sworn, depose and state the following:

- I. I am the owner, in whole or in part, of this certain tract or parcel of land lying and being situated in Hays County, Texas as described herein.
- II. According to the Texas Commission on Environmental Quality (TCEQ) Rules for On-Site Sewage Facilities (OSSFs), this document will be recorded in the Deed Records of Hays County, Texas.
- III. The Texas Health and Safety Code, Chapter 366 authorizes the TCEQ to regulate OSSFs. Additionally, the Texas Water Code (TWC), §5.012 and §5.013, gives the TCEQ primary responsibility for implementing the laws of the State of Texas relating to water and adopting rules necessary to carry out its powers and duties under the TWC. The TCEQ, under authority of the TWC and the Texas Health and Safety Code, requires owners to provide notice to the public that certain types of OSSFs are located on specific pieces of property. To achieve this notice, the Commission requires a recorded affidavit. Additionally, the owner must provide proof of the recording to the OSSF permitting authority. This recorded affidavit is not a representation or warranty by the TCEQ of the suitability of this OSSF, nor does it constitute any guarantee by the TCEQ that the appropriate OSSF was installed.
- IV. An OSSF requiring a maintenance contract, according to Title 30 of the Texas Administrative Code §285.91 (12), will be installed on the property described as follows:

**Legal Description will be found on the property Deed of Record or Metes & Bounds Description. Complete section A OR B.** If completing section B, it must be filled out entirely.

- A. Subdivision Legal Description
  - i. Subdivision: \_\_\_\_\_
  - ii. Phase: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_
- B. If not located in a Subdivision:
  - i. Survey & Abstract: \_\_\_\_\_
  - ii. Acreage: \_\_\_\_\_ Recorded Date: \_\_\_\_\_ Recorded (Vol/Page/Instrument): \_\_\_\_\_

- V. The OSSF on this property requires continuous maintenance. After the initial two-year service policy, the owner of an aerobic treatment system for a single-family residence shall obtain a maintenance contract at least 30 days before the date service will cease. All maintenance on this OSSF must be performed by a licensed maintenance provider or by a homeowner who has completed Hays County’s required coursework; a signed maintenance contract must be submitted to Hays County Development Services within 30 days after the property has been transferred.
- VI. OSSF serving non-single-family residences shall be maintained by a licensed maintenance provider.
- VII. The owner will, upon any sale or transfer of the above-described property, request a transfer of the OSSF Permit to the buyer or new owner. A copy of the planning materials for the OSSF can be obtained from Hays County Development Services.

IN WITNESS WHEREOF (s)he has hereto set his/her hand.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**NOTARY PUBLIC, STATE OF TEXAS**

I hereby certify that \_\_\_\_\_, known to me to be the affiant in the forgoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and states that the facts set forth in the above affidavit are true and correct.

WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

(NOTARY SEAL)

\_\_\_\_\_  
(Signature) Notary Public, State of Texas

\_\_\_\_\_  
(Printed) Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_