

By: Muñoz, Jr.

H.B. No. 2018

A BILL TO BE ENTITLED

AN ACT

relating to prompt review of land development applications.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Subtitle C, Title 7, Local Government Code, is amended by adding Section 250.010 to read as follows:

Sec. 250.010. PROMPT APPROVAL OF LAND DEVELOPMENT APPLICATIONS. (a) For purposes of this section:

(1) "land development" means any activity relating to the development or redevelopment of land including, but not limited to, subdivision development, construction of subdivision improvements, site plan development, development of on-site or off-site improvements, and a project within the meaning of Sec. 245.001(3).

(2) "land development application" means an application for subdivision development plan, a subdivision plan, subdivision construction plan, a site development concept plan, a site plan, a site development plan, an application submitted under Chapter 212 or Chapter 232, and any other application relating to land development, excluding only an application for zoning under Chapter 211 or an application to amend a comprehensive plan under Chapter 213.

(b) A political subdivision shall approve, approve with conditions, or disapprove a land development application within 30

1 days after the date the land development application is filed. A
2 land development application is approved by the political
3 subdivision unless it is disapproved within that period.

4 (c) Notwithstanding Subsection (b), the political
5 subdivision may extend the 30-day period described by that
6 subsection for a period not to exceed 30 days if:

7 (1) the applicant requests the extension in writing to
8 the political subdivision responsible for approving the land
9 development application; and

10 (2) the political subdivision approves the extension
11 request.

12 (d) If the political subdivision responsible for reviewing
13 the land development application fails to approve, approve with
14 conditions, or disapprove the land development application within
15 the prescribed period, the political subdivision on the applicant's
16 request shall issue a certificate stating the date the land
17 development application was filed and that the political
18 subdivision failed to act on the land development application
19 within the prescribed period. The certificate shall serve as a
20 permit approving the land development application.

21 (e) A political subdivision that conditionally approves or
22 disapproves a land development application shall provide the
23 applicant a written statement of the conditions for the conditional
24 approval or reasons for disapproval that clearly articulates each
25 specific condition for the conditional approval or reason for
26 disapproval. Each condition or reason specified in the written
27 statement:

1 (1) must:

2 (A) be directly related to the requirements under
3 this section; and

4 (B) include a citation to the law, including a
5 statute or municipal ordinance, that is the basis for the
6 conditional approval or disapproval, if applicable; and

7 (2) may not be arbitrary.

8 (f) After the conditional approval or disapproval of a land
9 development application under this section, the applicant may
10 submit to the political subdivision that conditionally approved or
11 disapproved the land development application a written response
12 that satisfies each condition for the conditional approval or
13 remedies each reason for disapproval provided. The political
14 subdivision may not establish a deadline for an applicant to submit
15 the response.

16 (g) A political subdivision that receives a response under
17 Subsection (f) shall determine whether to approve or disapprove the
18 applicant's previously conditionally approved or disapproved land
19 development application not later than the 15th day after the date
20 the response was submitted.

21 (h) A political subdivision that conditionally approves or
22 disapproves a plan or plat following the submission of a response
23 under Subsection (f):

24 (1) must comply with Subsection (g); and

25 (2) may disapprove the land development application
26 only for a specific condition or reason provided to the applicant
27 under Subsection (e).

1 (i) A political subdivision that receives a response under
2 Subsection (f) shall approve a previously conditionally approved or
3 disapproved land development application if the response
4 adequately addresses each condition of the conditional approval or
5 each reason for the disapproval.

6 (j) A previously conditionally approved or disapproved land
7 development application is approved if:

8 (1) the applicant filed a response that meets the
9 requirements of Subsection (f); and

10 (2) the municipal authority or governing body that
11 received the response does not disapprove the plan or plat on or
12 before the date required by Subsection (g).

13 (k) A political subdivision responsible for approving land
14 development applications may not request or require an applicant to
15 waive a deadline or other approval procedure under this section as a
16 condition of approval for a land development application.

17 (l) An applicant may challenge a conditional approval or
18 disapproval of a land development application under this section in
19 a county or district court of the county in which the development
20 project is located within 30 days of the conditional approval or
21 disapproval.

22 (m) In a legal action challenging a conditional approval or
23 a disapproval of a land development application under this section,
24 the political subdivision has the burden of proving by clear and
25 convincing evidence that the conditional approval or disapproval
26 meets the requirements of this section or any applicable case law.

27 The court may not use a deferential standard.

1 (n) A political subdivision may not require an applicant to
2 waive the right to file a legal action challenging a conditional
3 approval or a disapproval of a land development application under
4 this section as a condition of approval for a land development
5 application.

6 (o) An applicant who prevails in a legal action challenging
7 a conditional approval or a disapproval of a land development
8 application under this section is entitled to court costs and
9 reasonable attorney's fees, including expert witness fees, to be
10 paid by the political subdivision.

11 SECTION 2. This Act takes effect September 1, 2023.