

1-1 By: Wilson (Senate Sponsor - Bettencourt) H.B. No. 3697
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Local
 1-4 Government; May 18, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3697 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to county regulation of subdivisions and approval of
 1-22 subdivision plans or plats.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 232.001(a), Local Government Code, is
 1-25 amended to read as follows:

1-26 (a) The owner of a tract of land located outside the limits
 1-27 of a municipality must have a plat of the subdivision prepared if
 1-28 the owner divides the tract into two or more parts to lay out:

1-29 (1) a subdivision of the tract, including an addition;

1-30 (2) lots; or

1-31 (3) streets, alleys, squares, parks, or other parts of
 1-32 the tract intended by the owner of the tract to be dedicated to
 1-33 public use or for the private use of purchasers or owners of lots
 1-34 fronting on or adjacent to the streets, alleys, squares, parks, or
 1-35 other parts to be maintained by the purchasers or owners of those
 1-36 lots.

1-37 SECTION 2. Sections 232.0025(a) and (i), Local Government
 1-38 Code, are amended to read as follows:

1-39 (a) The commissioners court of a county or a person
 1-40 designated by the commissioners court shall issue a written list of
 1-41 all ~~the~~ documentation and other information that must be
 1-42 submitted with a plat application. The documentation or other
 1-43 information must relate to a requirement authorized under this
 1-44 section or other applicable law. An application submitted to the
 1-45 commissioners court or the person designated by the commissioners
 1-46 court that contains all ~~the~~ documents and other information on
 1-47 the written list is considered complete. The commissioners court
 1-48 shall post and continuously maintain the most current version of
 1-49 the list on the county's Internet website.

1-50 (i) If the commissioners court or the court's designee fails
 1-51 to approve, approve with conditions, or disapprove a plat
 1-52 application as required by this subchapter:

1-53 (1) the commissioners court shall refund the greater
 1-54 of the unexpended portion of any application fee or deposit or 50
 1-55 percent of an application fee or deposit that has been paid;

1-56 (2) the application is granted by operation of law;
 1-57 ~~and~~

1-58 (3) the applicant may apply to a district court in the
 1-59 county where the tract of land is located for a writ of mandamus to
 1-60 compel the commissioners court to issue documents recognizing the

2-1 plat application's approval; and
2-2 (4) the prevailing party in an action filed under
2-3 Subdivision (3) may recover reasonable attorney's fees and court
2-4 costs incurred in the action.

2-5 SECTION 3. Section 232.0033, Local Government Code, is
2-6 amended by adding Subsection (c) to read as follows:

2-7 (c) The commissioners court of a county or the court's
2-8 designee may not refuse to review a plat application or refuse to
2-9 approve a plat for recordation for failure to identify a corridor,
2-10 as defined by Section 201.619, Transportation Code, unless the
2-11 corridor is part of an agreement between the Texas Department of
2-12 Transportation and the county under that section.

2-13 SECTION 4. Sections 232.101(a) and (b), Local Government
2-14 Code, are amended to read as follows:

2-15 (a) By an order adopted and entered in the minutes of the
2-16 commissioners court and after a notice is published in a newspaper
2-17 of general circulation in the county, the commissioners court may
2-18 adopt rules governing plats and subdivisions of land within the
2-19 unincorporated area of the county as authorized by this subchapter
2-20 [to promote the health, safety, morals, or general welfare of the
2-21 county and the safe, orderly, and healthful development of the
2-22 unincorporated area of the county].

2-23 (b) A [Unless otherwise authorized by state law, a]
2-24 commissioners court shall not regulate, either directly or
2-25 indirectly [under this section]:

2-26 (1) the use of any building or property for business,
2-27 industrial, residential, or other purposes;

2-28 (2) the bulk, height, or number of buildings
2-29 constructed on a particular tract of land;

2-30 (3) the size of a building that can be constructed on a
2-31 particular tract of land, including without limitation and
2-32 restriction on the ratio of building floor space to the land square
2-33 footage;

2-34 (4) the minimum size of a lot, dimensions of a lot,
2-35 minimum width of a lot frontage, minimum distance a lot must be set
2-36 back from a road or property line, or another component of lot
2-37 density on a particular tract of land;

2-38 (5) the number of residential units that can be built
2-39 per acre of land;

2-40 (6) ~~(5)~~ a plat or subdivision in an adjoining
2-41 county; or

2-42 (7) ~~(6)~~ road access to a plat or subdivision in an
2-43 adjoining county.

2-44 SECTION 5. Sections 232.103 and 232.104, Local Government
2-45 Code, are repealed.

2-46 SECTION 6. As soon as practicable after the effective date
2-47 of this Act but not later than January 1, 2024, each county shall
2-48 adopt and publish the list described by Section 232.0025, Local
2-49 Government Code, as amended by this Act.

2-50 SECTION 7. The changes in law made by this Act apply only to
2-51 a plat application submitted on or after the effective date of this
2-52 Act. A plat application submitted before the effective date of this
2-53 Act is governed by the law in effect on the date the application was
2-54 submitted, and that law is continued in effect for that purpose.

2-55 SECTION 8. This Act takes effect immediately if it receives
2-56 a vote of two-thirds of all the members elected to each house, as
2-57 provided by Section 39, Article III, Texas Constitution. If this
2-58 Act does not receive the vote necessary for immediate effect, this
2-59 Act takes effect September 1, 2023.

2-60 * * * * *