

By: Wilson

H.B. No. 3699

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

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

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 2. Sections 212.004(a) and (b), Local Government Code, are amended to read as follows:

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use or for the private use of

1 purchasers or owners of lots fronting on or adjacent to the streets,
2 alleys, squares, parks, or other parts to be maintained by the
3 purchasers or owners of those lots must have a plat of the
4 subdivision prepared. A division of a tract under this subsection
5 includes a division regardless of whether it is made by using a
6 metes and bounds description in a deed of conveyance or in a
7 contract for a deed, by using a contract of sale or other executory
8 contract to convey, or by using any other method. A division of
9 land under this subsection does not include a division of land into
10 parts greater than five acres, where each part has access and no
11 public improvement is being dedicated.

12 (b) To be recorded, the plat must:

13 (1) describe the subdivision by metes and bounds;

14 (2) locate the subdivision with respect to a corner of
15 the survey or tract or an original corner of the original survey of
16 which it is a part; and

17 (3) state the dimensions of the subdivision and of
18 each street, alley, square, park, or other part of the tract
19 intended by the owner of the tract to be dedicated to public use or
20 for the private use of purchasers or owners of lots fronting on or
21 adjacent to the street, alley, square, park, or other part to be
22 maintained by the purchasers or owners of those lots.

23 SECTION 3. Section 212.005, Local Government Code, is
24 amended to read as follows:

25 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The
26 municipal authority responsible for approving plats must approve a
27 plat or replat that is required to be prepared under this subchapter

1 and that satisfies the requirements of this subchapter [~~all~~
2 ~~applicable regulations~~].

3 (b) This subchapter may not be construed to convey any
4 authority to a municipality regarding the completeness of an
5 application or the approval of a plat or replat that is not
6 explicitly granted by this subchapter.

7 SECTION 4. Subchapter A, Chapter 212, Local Government
8 Code, is amended by adding Section 212.0081 to read as follows:

9 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each
10 municipality to which this subchapter applies shall adopt and make
11 available to the public a complete, written list of all
12 documentation and other information that the municipality requires
13 to be submitted with a plat application. The required documentation
14 and other information must be related to a requirement authorized
15 under this subchapter.

16 (b) An application submitted to the municipal authority
17 responsible for approving plats that contains all documents and
18 other information on the list provided under Subsection (a) is
19 considered complete.

20 (c) A municipality that operates an Internet website shall
21 publish and continuously maintain the list described by Subsection
22 (a) on the Internet website not later than the 30th day after the
23 date the municipality adopts or amends the list.

24 (d) A municipality that does not operate an Internet website
25 shall publish the list described by Subsection (a) on adoption of
26 the list or an amendment to the list in:

27 (1) a newspaper of general circulation in the

1 municipality; and

2 (2) a public place in the location in which the
3 governing body of the municipality meets.

4 SECTION 5. Section 212.009(b-2), Local Government Code, is
5 amended to read as follows:

6 (b-2) Notwithstanding Subsection (a) or (b), the parties
7 shall ~~may~~ extend the 30-day period described by those subsections
8 for a period not to exceed 30 days if:

9 (1) both:

10 (A) the applicant requests the extension in
11 writing to the municipal authority responsible for approving plats
12 or the governing body of the municipality, as applicable; and

13 (B) ~~(2)~~ the municipal authority or governing
14 body, as applicable, approves the extension request; or

15 (2) Chapter 2007, Government Code, requires the
16 municipality to perform a takings impact assessment in connection
17 with the plan or plat.

18 SECTION 6. Section 212.010, Local Government Code, is
19 amended by adding Subsections (c), (d), and (e) to read as follows:

20 (c) The municipal authority responsible for approving plats
21 may not require the dedication of land within a subdivision for a
22 future street or alley that is:

23 (1) not intended by the owner of the tract; and

24 (2) not included, funded, and approved in:

25 (A) a capital improvement plan adopted by the
26 municipality; or

27 (B) a similar plan adopted by a county in which

1 the municipality is located or the state.

2 (d) A municipal authority responsible for approving plats
3 may not refuse to review a plat or to approve a plat for recordation
4 for failure to identify a corridor, as defined by Section 201.619,
5 Transportation Code, unless the corridor is part of an agreement
6 between the Texas Department of Transportation and a county in
7 which the municipality is located under that section.

8 (e) If a municipal authority responsible for approving
9 plats fails or refuses to approve a plat that meets the requirements
10 of this subchapter, the owner of the tract that is the subject of
11 the plat may bring an action in a district court in a county in which
12 the tract is located for a writ of mandamus to compel the municipal
13 authority to approve the plat by issuing to the owner applicable
14 approval documentation. The prevailing party may recover
15 reasonable and necessary attorney's fees and court costs in the
16 action.

17 SECTION 7. As soon as practicable after the effective date
18 of this Act but not later than January 1, 2024, each municipality
19 shall adopt and publish the list described by Section 212.0081,
20 Local Government Code, as added by this Act.

21 SECTION 8. The changes in law made by this Act apply only to
22 an application submitted on or after the effective date of this Act.
23 An application submitted before the effective date of this Act is
24 governed by the law applicable to the application immediately
25 before the effective date of this Act, and that law is continued in
26 effect for that purpose.

27 SECTION 9. This Act takes effect September 1, 2023.