

BILL ANALYSIS

C.S.H.B. 3314
By: Romero, Jr.
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that a public hearing is required for any replat planned for an area with residential restrictions. It has been suggested that because a plat that meets all local subdivision requirements must be approved, regardless of neighborhood opposition, the public hearing serves only a ministerial function, which often leaves builders and developers frustrated by neighborhood opposition and citizens frustrated after engaging in a hearing only to find no real recourse. C.S.H.B. 3314 seeks to create a more positive environment for public engagement and effective change with regard to the replatting process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3314 amends the Local Government Code to remove the requirement that a public hearing be held for a replat of a municipal subdivision or part of a subdivision to be recorded and to be controlling over the preceding plat without vacation of that plat. The bill retains the public hearing requirement for a proposed replat that is subject to additional requirements for specified reasons and that requires a variance or exception and specifies that the hearing is to be conducted by the municipal planning commission or the governing body of the municipality. The bill requires a municipality, if such a proposed replat does not require a variance or exception, to provide written notice by mail of the replat approval, not later than the 15th day after the approval date, to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This requirement does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the requisite manner. The bill sets out the required contents of the notice.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3314 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a condition under which a proposed replat is exempt from the requirement for the municipality to provide written notice of the approval of the replat.