By:  Oliverson H.B. No. 3167

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for approval of certain land development applications by a political subdivision.

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

SECTION 1.  Section 212.009, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (c-1), (f), (g), (h), and (i) to read as follows:

(a)  The municipal authority responsible for approving plats shall approve or disapprove [~~act on~~] a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that period and in accordance with Subsection (c-1)(1).

(b)  If an ordinance requires that a plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve or disapprove [~~act on~~] the plat within 30 days after the date the plat is approved by the planning commission or is considered approved by the inaction of the commission. A plat is considered approved by the governing body unless it is disapproved within that period and in accordance with Subsection (c-1)(1).

(c-1)  If a plat is disapproved:

(1)  the municipal authority or governing body of the municipality, as applicable, shall provide the applicant a written statement of the reasons for disapproval that:

(A)  is provided with the notice of disapproval; and

(B)  lists each reason for the disapproval, which must:

(i)  be related to the requirements under this subchapter; and

(ii)  not be arbitrary or intended to delay approval; and

(2)  the applicant may submit a written response to the municipal authority or governing body of the municipality, as applicable, that remedies each reason for disapproval.

(f)  A municipal authority or the governing body of a municipality, as applicable, shall determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the municipal authority or governing body, as applicable, receives the applicant's response.

(g)  A municipal authority or the governing body of a municipality, as applicable, shall approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval. If the authority or governing body disapproves a response, the authority or governing body:

(1)  must comply with Subsection (c-1)(1); and

(2)  may disapprove only for a reason provided to the applicant for the original application under Subsection (c-1)(1).

(h)  A previously disapproved plat application is considered approved if:

(1)  the applicant filed a response that meets the requirements of Subsection (g); and

(2)  the municipal authority or governing body does not disapprove the application on or before the date required by Subsection (f) and in accordance with Subsection (g).

(i)  This section applies to a municipality regardless of whether the municipality has entered into an interlocal agreement.

SECTION 2.  Section 232.0025, Local Government Code, is amended by amending Subsections (d), (e), (f), and (i) and adding Subsections (g-1), (g-2), (g-3), and (j) to read as follows:

(d)  Except as provided by Subsection (f), the commissioners court or the court's designee shall approve or disapprove [~~take final action on~~] a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is filed with [~~received by~~] the commissioners court or the court's designee. A plat is considered approved by the commissioners court or the court's designee unless it is disapproved within that period and in accordance with Subsection (e)(1).

(e)  If the commissioners court or the court's designee disapproves a plat application:

(1)  the commissioners court or the court's designee shall provide [~~,~~] the applicant with a written statement [~~shall be given a complete list~~] of the reasons for the disapproval that:

(A)  is provided with the notice of disapproval; and

(B)  lists each reason for the disapproval, which must:

(i)  be related to the applicable requirements under this subchapter; and

(ii)  not be arbitrary or intended to delay approval; and

(2)  the applicant may submit a written response to the commissioners court or the court's designee that remedies each reason for disapproval.

(f)  The 60-day period under Subsection (d):

(1)  may be extended for a total of 30 days [~~reasonable period~~], if:

(A)  agreed to in writing by the applicant and approved by the commissioners court or the court's designee; or

(B) [~~(2)  may be extended 60 additional days if~~] Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with a plat application; and

(2) [~~(3)~~]  applies only to a decision wholly within the control of the commissioners court or the court's designee.

(g-1)  The commissioners court of a county or the court's designee shall determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the commissioners court or the court's designee receives the applicant's response.

(g-2)  The commissioners court of a county or the court's designee shall approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval. If the commissioners court or the court's designee disapproves a response, the commissioners court or the court's designee:

(1)  must comply with Subsection (e)(1); and

(2)  may disapprove only for a reason provided to the applicant for the original application under Subsection (e)(1).

(g-3)  A previously disapproved plat application is considered approved if:

(1)  the applicant filed a response that meets the requirements of Subsection (g-2); and

(2)  the commissioners court or the court's designee does not disapprove the application on or before the date required by Subsection (g-1) and in accordance with Subsection (g-2).

(i)  If the commissioners court or the court's designee fails to comply with [~~take final action on the plat as required by~~] Subsection (d), (e), (g-1), or (g-2):

(1)  the commissioners court shall refund the greater of the unexpended portion of any plat application fee or deposit or 50 percent of a plat application fee or deposit that has been paid;

(2)  the plat application is granted by operation of law; and

(3)  the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat's approval.

(j)  This section applies to a county regardless of whether the county has entered into an interlocal agreement.

SECTION 3.  Chapter 245, Local Government Code, is amended by adding Section 245.0025 to read as follows:

Sec. 245.0025.  DEVELOPMENT PERMIT APPLICATION APPROVAL PROCEDURE. (a) A political subdivision that adopts a permit regulation requiring regulatory agency approval for proposed land development shall determine whether to approve or disapprove the development application not later than the 60th day after the date the application is filed with the agency. An application is considered approved by the agency unless the agency disapproves of the application in that period and in accordance with Subsection (b)(1).

(b)  If a land development application under Subsection (a) is disapproved:

(1)  the regulatory agency shall provide the applicant a written statement of the reasons for disapproval that:

(A)  is provided with the notice of disapproval; and

(B)  lists each reason for the disapproval, which must:

(i)  be related to the requirements of the permit regulation; and

(ii)  not be arbitrary or intended to delay approval; and

(2)  the applicant may submit a written response to the agency that remedies each reason for disapproval.

(c)  A regulatory agency shall determine whether to approve an applicant's previously disapproved development application not later than the 30th day after the date the application was filed. If the agency disapproves a response, the agency:

(1)  must comply with Subsection (b)(1); and

(2)  may disapprove only for a reason provided to the applicant for the original application under Subsection (b)(1).

(d)  A regulatory agency shall approve a previously disapproved development application if the applicant's response adequately addresses each reason for the disapproval.

(e)  A previously disapproved development application is considered approved if:

(1)  the applicant filed a response that meets the requirements of Subsection (d); and

(2)  the regulatory agency does not disapprove the application on or before the date required by Subsection (c) and in accordance with Subsection (d).

(f)  This section applies to a political subdivision regardless of whether the political subdivision has entered into an interlocal agreement.

SECTION 4.  The change in law made by this Act applies only to a development or plat application filed on or after the effective date of this Act. A development or plat application filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2019.