

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:

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

2 and

3 (B) lists each reason for the disapproval, which

4 must:

5 (i) be related to the requirements under

6 this subchapter; and

7 (ii) not be arbitrary or intended to delay

8 approval; and

9 (2) the applicant may submit a written response to the

10 municipal authority or governing body of the municipality, as

11 applicable, that remedies each reason for disapproval.

12 (f) A municipal authority or the governing body of a

13 municipality, as applicable, shall determine whether to approve an

14 applicant's previously disapproved plat application not later than

15 the 30th day after the date the municipal authority or governing

16 body, as applicable, receives the applicant's response.

17 (g) A municipal authority or the governing body of a

18 municipality, as applicable, shall approve a previously

19 disapproved plat application if the applicant's response

20 adequately addresses each reason for the disapproval. If the

21 authority or governing body disapproves a response, the authority

22 or governing body:

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

24 (2) may disapprove only for a reason provided to the

25 applicant for the original application under Subsection (c-1)(1).

26 (h) A previously disapproved plat application is considered

27 approved if:

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

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

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

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

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

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

22 (1) the commissioners court or the court's designee
23 shall provide [~~7~~] the applicant with a written statement [~~shall be~~
24 ~~given a complete list~~] of the reasons for the disapproval that:

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

27 (B) lists each reason for the disapproval, which

1 must:

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

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

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

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

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

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

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

18 (2) [(3)] applies only to a decision wholly within the
19 control of the commissioners court or the court's designee.

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

25 (g-2) The commissioners court of a county or the court's
26 designee shall approve a previously disapproved plat application if
27 the applicant's response adequately addresses each reason for the

1 disapproval. If the commissioners court or the court's designee
2 disapproves a response, the commissioners court or the court's
3 designee:

4 (1) must comply with Subsection (e)(1); and
5 (2) may disapprove only for a reason provided to the
6 applicant for the original application under Subsection (e)(1).

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

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

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

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

17 (1) the commissioners court shall refund the greater
18 of the unexpended portion of any plat application fee or deposit or
19 50 percent of a plat application fee or deposit that has been paid;

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

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

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

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

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

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

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

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

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

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

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

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

26 (c) A regulatory agency shall determine whether to approve
27 an applicant's previously disapproved development application not

1 later than the 30th day after the date the application was filed.

2 If the agency disapproves a response, the agency:

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

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

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

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

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

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

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

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

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