

By: Oliverson

H.B. No. 4447

Substitute the following for H.B. No. 4447:

By: Biedermann

C.S.H.B. No. 4447

A BILL TO BE ENTITLED

AN ACT

relating to the procedure for approval of certain land development applications by a municipality or county.

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

SECTION 1. Section 212.001, Local Government Code, is amended by adding Subdivisions (1-a), (1-b), (1-c), (4), and (5) to read as follows:

(1-a) "Land development" means an activity relating to the development or redevelopment of land, including subdivision development, construction of subdivision improvements, site development, and development of on-site and off-site improvements.

(1-b) "Land development application" means an application or other document relating to land development under this chapter that is required to be approved by a municipal body before the land development may commence. The term includes a title or description used by municipalities to refer to those applications or other documents, including "preliminary plat," "plat," "final plat," "replat," "preliminary plan," "master planning document," "master development plan," "plan," "general plan," "subdivision development plan," "subdivision plan," "site plan," or "site development plan." The term does not include:

(A) an application or other document for which approval by a municipal body does not authorize the land development to commence; or

1 (B) a subdivision construction plan, subdivision
2 engineering plan, or similar or related plan.

3 (1-c) "Municipal body" means the applicable municipal
4 authority for approving a land development application. The term
5 includes a municipal planning commission or its designee, a
6 municipality authority for approving land development applications
7 or its designee, and the governing body of the municipality or its
8 designee.

9 (4) "Required document" means a document required by
10 the municipality or state or federal law for the approval of a land
11 development application. The term includes, as applicable:

12 (A) associated drainage studies;

13 (B) traffic impact analyses;

14 (C) utility evaluations;

15 (D) geotechnical reports;

16 (E) groundwater availability certifications
17 required under Section [212.0101](#);

18 (F) tree surveys or mitigation studies;

19 (G) studies of wetlands or waters of the United
20 States; and

21 (H) endangered species studies.

22 (5) "Submit" means the act by a person of providing,
23 delivering, or relaying by any means a copy of a land development
24 application to a municipal body. The term includes all variations
25 of the term, including "apply to and submit," "submitted," and
26 "submitting." The term does not include the acceptance,
27 acknowledgment, receipt, processing, or performance of a

1 completeness check of the land development application or required
2 document or any other action by a municipal body in response to the
3 submission of a copy of the land development application.

4 SECTION 2. Section 212.008, Local Government Code, is
5 amended to read as follows:

6 Sec. 212.008. APPLICATION FOR APPROVAL. (a) A person
7 desiring approval of a land development application [~~plat~~] must
8 apply to and submit [~~file~~] a copy of the application [~~plat~~] with the
9 municipal planning commission or its designee or, if the
10 municipality has no planning commission, the governing body of the
11 municipality or its designee.

12 (b) Except as provided by Section 212.0101, a municipal body
13 may not require a person to submit a required document or fulfill
14 any other prerequisites or conditions before the person submits a
15 copy of a land development application with the body.

16 SECTION 3. Subchapter A, Chapter 212, Local Government
17 Code, is amended by adding Sections 212.0082, 212.0083, and
18 212.0087 to read as follows:

19 Sec. 212.0082. APPROVAL PROCEDURE: REQUIRED DOCUMENTS. (a)
20 A municipal body may require a person desiring approval of a land
21 development application to submit a required document for the
22 application only if:

23 (1) the governing body of the municipality has adopted
24 the requirement by ordinance; and

25 (2) the municipality made available to the person
26 before the submission of the application:

27 (A) a list of all required documents for the

1 application; or

2 (B) publications of all required documents for
3 the application.

4 (b) A municipal body may not require a person to submit new
5 or additional required documents for which the requirements of
6 Subsection (a) have not been met.

7 (c) A municipal body may not, on the grounds that a person
8 has failed to submit for a land development application a required
9 document for which the requirements of Subsection (a) have not been
10 met:

11 (1) refuse to accept, acknowledge, receive, or process
12 the application or other required documents;

13 (2) disapprove the application or other required
14 documents;

15 (3) consider the application or other required
16 documents incomplete; or

17 (4) refuse to comply with the procedures and timelines
18 prescribed for land development applications and required
19 documents under this subchapter with respect to the application and
20 documents.

21 Sec. 212.0083. APPROVAL PROCEDURE: APPROVAL AND
22 CONDITIONAL APPROVAL OF REQUIRED DOCUMENTS. (a) A person desiring
23 approval of a land development application may submit required
24 documents with the application or after submitting the application.
25 If the person elects to submit the documents afterwards, a
26 municipal body may conditionally approve the application on the
27 condition that the applicant submit the documents in accordance

1 with Subsection (c).

2 (b) An election by a person to submit the required documents
3 after submitting a land development application is not grounds for
4 a municipal body to:

5 (1) refuse to accept, acknowledge, receive, or process
6 the application or documents;

7 (2) disapprove the application or documents;

8 (3) consider the application or documents incomplete;

9 or

10 (4) refuse to comply with the procedures and timelines
11 prescribed for land development applications and required
12 documents under this subchapter with respect to the person's
13 application and documents.

14 (c) A municipal body that conditionally approves a land
15 development application under Subsection (a) must:

16 (1) make an approval determination on each individual
17 required document under the same approval procedures and timelines
18 as those prescribed for a land development application under this
19 subchapter;

20 (2) approve or disapprove, but not conditionally
21 approve, each individual required document;

22 (3) provide to the applicant comments on a required
23 document not later than the 30th day after the date the applicant
24 submits the document; and

25 (4) make an approval determination on a required
26 document not later than the 60th day after the date the applicant
27 submits the document.

1 (d) On disapproval of a required document, an applicant may
2 submit to the municipal body a written response that remedies each
3 reason for disapproval. The municipal body may not establish a
4 deadline for the applicant to submit the response.

5 (e) On receipt of a response under Subsection (d), a
6 municipal body shall determine whether to approve or disapprove the
7 applicant's previously disapproved required document not later
8 than the 15th day after the date the applicant submits the response.

9 Sec. 212.0087. APPROVAL PROCEDURE: BIFURCATED APPROVAL.

10 (a) After receiving a request from at least five applicants and
11 conducting a public hearing on the matter at which interested
12 parties must be heard, a municipality shall establish a bifurcated
13 approval procedure under this subchapter, including a phased
14 approach to the approval of a land development application.

15 (b) Each phase of a bifurcated approval procedure adopted
16 under Subsection (a) must be subject to the approval procedures
17 prescribed by this subchapter.

18 (c) An applicant may, but is not required to, opt in to the
19 bifurcated approval procedure established by a municipality under
20 Subsection (a).

21 SECTION 4. Section 212.009, Local Government Code, is
22 amended to read as follows:

23 Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL. (a) The
24 municipal body [~~authority responsible for approving plats~~] shall
25 approve, approve with conditions, or disapprove a land development
26 application [~~plan or plat~~] within 30 days after the date the
27 application [~~plan or plat~~] is submitted [~~filed~~]. An application [A

1 ~~plan or plat~~] is approved by the municipal authority unless it is
2 disapproved within that period and in accordance with Section
3 212.0091.

4 (b) If an ordinance requires that a land development
5 application [~~plan or plat~~] be approved by the governing body of the
6 municipality in addition to the planning commission, the governing
7 body shall approve, approve with conditions, or disapprove the
8 application [~~plan or plat~~] within 30 days after the date the
9 application [~~plan or plat~~] is approved by the planning commission
10 or is approved by the inaction of the commission. An application [~~A~~
11 ~~plan or plat~~] is approved by the governing body unless it is
12 disapproved within that period and in accordance with Section
13 212.0091.

14 (b-1) Notwithstanding Subsection (a) or (b), if a
15 groundwater availability certification is required under Section
16 212.0101, the 30-day period described by those subsections begins
17 on the date the applicant submits the groundwater availability
18 certification to the municipal [~~authority responsible for~~
19 ~~approving plats or the governing~~] body [~~of the municipality, as~~
20 ~~applicable~~].

21 (b-2) Notwithstanding Subsection (a) or (b), the parties
22 may extend the 30-day period described by those subsections for a
23 period not to exceed 30 days if:

24 (1) the applicant requests the extension in writing to
25 the municipal [~~authority responsible for approving plats or the~~
26 ~~governing~~] body [~~of the municipality, as applicable~~]; and

27 (2) the municipal [~~authority or governing~~] body[, ~~as~~

1 ~~applicable,~~] approves the extension request.

2 (c) If a land development application [~~plan or plat~~] is
3 approved, the municipal body [~~authority giving the approval~~] shall
4 endorse the application [~~plan or plat~~] with a certificate
5 indicating the approval. The certificate must be signed by:

6 (1) the body's [~~authority's~~] presiding officer and
7 attested by the body's [~~authority's~~] secretary; or

8 (2) a majority of the members of the body [~~authority~~].

9 (d) If the municipal body [~~authority responsible for~~
10 ~~approving plats~~] fails to approve, approve with conditions, or
11 disapprove a land development application [~~plan or plat~~] within the
12 prescribed period, the body [~~authority~~] on the applicant's request
13 shall issue a certificate stating the date the application [~~plan or~~
14 ~~plat~~] was submitted [~~filed~~] and that the body [~~authority~~] failed to
15 act on the application [~~plan or plat~~] within the period. The
16 certificate is effective in place of the endorsement required by
17 Subsection (c).

18 (e) The municipal body [~~authority responsible for approving~~
19 ~~plats~~] shall maintain a record of each land development application
20 submitted [~~made~~] to the body [~~authority~~] and the body's
21 [~~authority's~~] action taken on it. On request of an owner of an
22 affected tract, the body [~~authority~~] shall certify the reasons for
23 the action taken on an application.

24 SECTION 5. Section [212.0091](#)(a), Local Government Code, is
25 amended to read as follows:

26 (a) A municipal [~~authority or governing~~] body that
27 conditionally approves or disapproves a land development

1 application [~~plan or plat~~] under this subchapter shall provide the
2 applicant a written statement of the conditions for the conditional
3 approval or reasons for disapproval that clearly articulates each
4 specific condition for the conditional approval or reason for
5 disapproval.

6 SECTION 6. Sections 212.0093, 212.0095, 212.0096,
7 212.0097, and 212.0099, Local Government Code, are amended to read
8 as follows:

9 Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
10 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
11 approval or disapproval of a land development application [~~plan or~~
12 ~~plat~~] under Section 212.0091, the applicant may submit to the
13 municipal [~~authority or governing~~] body that conditionally
14 approved or disapproved the application [~~plan or plat~~] a written
15 response that satisfies each condition for the conditional approval
16 or remedies each reason for disapproval provided. The municipal
17 [~~authority or governing~~] body may not establish a deadline for an
18 applicant to submit the response.

19 Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
20 OF RESPONSE. (a) A municipal [~~authority or governing~~] body that
21 receives a response under Section 212.0093 shall determine whether
22 to approve or disapprove the applicant's previously conditionally
23 approved or disapproved land development application [~~plan or plat~~]
24 not later than the 15th day after the date the response was
25 submitted.

26 (b) A municipal [~~authority or governing~~] body that
27 conditionally approves or disapproves a land development

1 application [~~plan or plat~~] following the submission of a response
2 under Section 212.0093:

3 (1) must comply with Section 212.0091; and

4 (2) may disapprove the application [~~plan or plat~~] only
5 for a specific condition or reason provided to the applicant under
6 Section 212.0091.

7 (c) A municipal [~~authority or governing~~] body that receives
8 a response under Section 212.0093 shall approve a previously
9 conditionally approved or disapproved land development application
10 [~~plan or plat~~] if the response adequately addresses each condition
11 of the conditional approval or each reason for the disapproval.

12 (d) A previously conditionally approved or disapproved land
13 development application [~~plan or plat~~] is approved if:

14 (1) the applicant submitted [~~filed~~] a response that
15 meets the requirements of Subsection (c); and

16 (2) the municipal [~~authority or governing~~] body that
17 received the response does not disapprove the application [~~plan or~~
18 ~~plat~~] on or before the date required by Subsection (a) and in
19 accordance with Section 212.0091.

20 Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL
21 PROCESS. (a) Notwithstanding Sections 212.0083, 212.009, 212.0091,
22 212.0093, and 212.0095, an applicant may elect at any time to seek
23 approval for a land development application [~~plan or plat~~] under an
24 alternative approval process adopted by a municipality if the
25 process allows for a shorter approval period than the approval
26 process described by Sections 212.0083, 212.009, 212.0091,
27 212.0093, and 212.0095.

1 (b) An applicant that elects to seek approval under the
2 alternative approval process described by Subsection (a) is not:

3 (1) required to satisfy the requirements of Sections
4 212.0083, 212.009, 212.0091, 212.0093, and 212.0095 before
5 bringing an action challenging a disapproval of a land development
6 application [~~plan or plat~~] under this subchapter; and

7 (2) prejudiced in any manner in bringing the action
8 described by Subdivision (1), including satisfying a requirement to
9 exhaust any and all remedies.

10 Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. (a) A
11 municipal [~~authority responsible for approving plats or the~~
12 ~~governing~~] body [~~of a municipality~~] may not request or require an
13 applicant to waive a deadline or other approval procedure under
14 this subchapter.

15 (b) An applicant may not waive a deadline or other approval
16 procedure or any other provision or requirement under this
17 subchapter.

18 Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal
19 action challenging a disapproval of a land development application
20 [~~plan or plat~~] under this subchapter, the municipality has the
21 burden of proving by clear and convincing evidence that the
22 disapproval meets the requirements of this subchapter or any
23 applicable case law. The court may not use a deferential standard.

24 SECTION 7. Subchapter A, Chapter 232, Local Government
25 Code, is amended by adding Section 232.0001 to read as follows:

26 Sec. 232.0001. DEFINITIONS. In this subchapter:

27 (1) "Land development" means an activity relating to

1 the development or redevelopment of land, including subdivision
2 development, construction of subdivision improvements, site
3 development, and development of on-site and off-site improvements.

4 (2) "Land development application" means an
5 application or other document relating to land development under
6 this chapter that is required to be approved by the commissioners
7 court or the court's designee before the land development may
8 commence. The term includes a title or description used by counties
9 to refer to those applications or other documents, including
10 "preliminary plat," "plat," "final plat," and "replat." The term
11 does not include:

12 (A) an application or other document for which
13 approval by the commissioners court or the court's designee does
14 not authorize the land development to commence; and

15 (B) a subdivision construction plan, subdivision
16 engineering plan, or similar or related plan.

17 (3) "Required document" means a document required by
18 law for the approval of a land development application. The term
19 includes groundwater availability certifications required under
20 Section 232.0032, if applicable.

21 (4) "Submit" means the act by a person of providing,
22 delivering, or relaying by any means a copy of a land development
23 application to the commissioners court or the court's designee.
24 The term includes all variations of the term, including "submitted"
25 and "submitting." The term does not include the acceptance,
26 acknowledgment, receipt, processing, or performance of a
27 completeness check of the land development application or required

1 document or any other action by the commissioners court or the
2 court's designee in response to the submission of a copy of the land
3 development application.

4 SECTION 8. Section 232.0023, Local Government Code, is
5 amended to read as follows:

6 Sec. 232.0023. APPROVAL PROCEDURE: APPLICABILITY. The land
7 development [plat] application approval procedures under this
8 subchapter apply to a county regardless of whether the county has
9 entered into an interlocal agreement, including an interlocal
10 agreement between a municipality and county under Section
11 242.001(d).

12 SECTION 9. Subchapter A, Chapter 232, Local Government
13 Code, is amended by adding Sections 232.00235 and 232.0024 to read
14 as follows:

15 Sec. 232.00235. APPROVAL PROCEDURE: REQUIRED DOCUMENTS AND
16 CONDITIONAL APPROVAL. (a) A person desiring approval of a land
17 development application may submit required documents with the
18 application or after submitting the application. If the person
19 elects to submit the documents afterwards, the commissioners court
20 or the court's designee may conditionally approve the application
21 on the condition that the applicant submit the documents in
22 accordance with Subsection (c).

23 (b) An election by a person to submit the required documents
24 after submitting a land development application is not grounds for
25 the commissioners court or the court's designee to:

26 (1) refuse to accept, acknowledge, receive, or process
27 the application or documents;

- 1 (2) disapprove the application or documents;
2 (3) consider the application or documents incomplete;
3 or
4 (4) refuse to comply with the procedures and timelines
5 prescribed for land development applications and required
6 documents under this subchapter with respect to the person's
7 application and documents.

8 (c) The commissioners court or court's designee that
9 conditionally approves a land development application under
10 Subsection (a) must:

11 (1) make an approval determination on each individual
12 required document under the same approval procedures and timelines
13 as those prescribed for a land development application under this
14 subchapter;

15 (2) approve or disapprove, but not conditionally
16 approve, each individual required document;

17 (3) provide to the applicant comments on a required
18 document not later than the 30th day after the date the applicant
19 submits the document; and

20 (4) make an approval determination on a required
21 document not later than the 60th day after the date the applicant
22 submits the document.

23 (d) On disapproval of a required document, an applicant may
24 submit to the commissioners court or the court's designee a written
25 response that remedies each reason for disapproval. The
26 commissioners court or the court's designee may not establish a
27 deadline for the applicant to submit the response.

1 (e) On receipt of a response under Subsection (d), a
2 commissioners court or the court's designee shall determine whether
3 to approve or disapprove the applicant's previously disapproved
4 required document not later than the 15th day after the date the
5 applicant submits the response.

6 Sec. 232.0024. APPROVAL PROCEDURE: BIFURCATED APPROVAL.

7 (a) After receiving a request from at least five applicants and
8 conducting a public hearing on the matter at which interested
9 parties must be heard, a county shall establish a bifurcated
10 approval procedure under this subchapter, including a phased
11 approach to the approval of a land development application.

12 (b) Each phase of a bifurcated approval procedure adopted
13 under Subsection (a) must be subject to the approval procedures
14 prescribed by this subchapter.

15 (c) An applicant may, but is not required to, opt in to the
16 bifurcated approval procedure established by a county under
17 Subsection (a).

18 SECTION 10. The heading to Section [232.0025](#), Local
19 Government Code, is amended to read as follows:

20 Sec. 232.0025. APPROVAL PROCEDURE: TIMELY APPROVAL OF
21 APPLICATIONS AND REQUIRED DOCUMENTS [~~PLATS AND PLANS~~].

22 SECTION 11. Section [232.0025](#), Local Government Code, is
23 amended by amending Subsections (a), (b), (c), (d), (f), (g), (h),
24 and (i) and adding Subsections (b-1), (b-2), and (b-3) to read as
25 follows:

26 (a) The commissioners court of a county or a person
27 designated by the commissioners court shall issue a written list or

1 publication of the required documents [~~documentation~~] and other
2 information that must be submitted with a land development [~~plat~~]
3 application. The documentation or other information must relate to
4 a requirement authorized under this section or other applicable law
5 and have been adopted as a requirement by the county by order. An
6 application submitted to the commissioners court or the person
7 designated by the commissioners court that contains the documents
8 and other information on the list is considered complete.

9 (b) If a person submits a land development [~~plat~~]
10 application to the commissioners court that does not include all of
11 the required documents [~~documentation~~] or other information
12 required by Subsection (a), the commissioners court or the court's
13 designee shall, not later than the 10th business day after the date
14 the commissioners court receives the application, notify the
15 applicant of the missing documents or other information. The
16 commissioners court shall allow an applicant to timely submit the
17 missing documents or other information.

18 (b-1) Except as provided by Section 232.0032, a
19 commissioners court or the court's designee may not require a
20 person to submit a required document or fulfill any other
21 prerequisites or conditions before the person submits a copy of a
22 land development application.

23 (b-2) A commissioners court or the court's designee may not
24 require a person to submit new or additional required documents for
25 which the requirements of Subsection (a) have not been met.

26 (b-3) A commissioners court or the court's designee may not,
27 on the grounds that a person has failed to submit for a land

1 development application a required document for which the
2 requirements of Subsection (a) have not been met:

3 (1) refuse to accept, acknowledge, receive, or process
4 the application or other required documents;

5 (2) disapprove the application or other required
6 documents;

7 (3) consider the application or other required
8 documents incomplete; or

9 (4) refuse to comply with the procedures and timelines
10 prescribed for land development applications and required
11 documents under this subchapter with respect to the application and
12 documents.

13 (c) An application is considered complete when all required
14 documents [~~documentation~~] or other information required by
15 Subsection (a) is received. Acceptance by the commissioners court
16 or the court's designee of a completed land development [~~plat~~]
17 application with the required documents [~~documentation~~] or other
18 information required by Subsection (a) shall not be construed as
19 approval of the documentation or other information.

20 (d) Except as provided by Subsection (f), the commissioners
21 court or the court's designee shall approve, approve with
22 conditions, or disapprove a land development [~~plat~~] application not
23 later than the 30th day after the date the completed application is
24 received by the commissioners court or the court's designee. An
25 application is approved by the commissioners court or the court's
26 designee unless the application is disapproved within that period
27 and in accordance with Section [232.0026](#).

1 (f) The 30-day period under Subsection (d):

2 (1) may be extended for a period not to exceed 30 days,
3 if:

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

7 (B) Chapter 2007, Government Code, requires the
8 county to perform a takings impact assessment in connection with
9 the land development [~~plat~~] application; and

10 (2) applies only to a decision wholly within the
11 control of the commissioners court or the court's designee.

12 (g) The commissioners court or the court's designee shall
13 make the determination under Subsection (f)(1) of whether the
14 30-day period will be extended not later than the 20th day after the
15 date a completed land development [~~plat~~] application is received by
16 the commissioners court or the court's designee.

17 (h) The commissioners court or the court's designee may not
18 require an applicant to waive the time limits or approval procedure
19 contained in this subchapter. An applicant may not waive the time
20 limits or approval procedures contained in this subchapter.

21 (i) If the commissioners court or the court's designee fails
22 to approve, approve with conditions, or disapprove a land
23 development [~~plat~~] application as required by this subchapter:

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

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

1 and

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

6 SECTION 12. Section 232.0026(a), Local Government Code, is
7 amended to read as follows:

8 (a) A commissioners court or designee that conditionally
9 approves or disapproves of a land development [plat] application
10 under this subchapter shall provide the applicant a written
11 statement of the conditions for the conditional approval or the
12 reasons for disapproval that clearly articulates each specific
13 condition for the conditional approval or reason for disapproval.

14 SECTION 13. Sections 232.0027 and 232.0028, Local
15 Government Code, are amended to read as follows:

16 Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
17 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
18 approval or disapproval of a land development [plat] application
19 under Section 232.0026, the applicant may submit to the
20 commissioners court or designee that conditionally approved or
21 disapproved the application a written response that satisfies each
22 condition for the conditional approval or remedies each reason for
23 disapproval provided. The commissioners court or designee may not
24 establish a deadline for an applicant to submit the response.

25 Sec. 232.0028. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL
26 OF RESPONSE. (a) A commissioners court or designee that receives a
27 response under Section 232.0027 shall determine whether to approve

1 or disapprove the applicant's previously conditionally approved or
2 disapproved land development [~~plat~~] application not later than the
3 15th day after the date the response was submitted under Section
4 232.0027.

5 (b) A commissioners court or designee that conditionally
6 approves or disapproves a land development [~~plat~~] application
7 following the submission of a response under Section 232.0027:

8 (1) must comply with Section 232.0026; and

9 (2) may disapprove the application only for a specific
10 condition or reason provided to the applicant for the original
11 application under Section 232.0026.

12 (c) A commissioners court or designee that receives a
13 response under Section 232.0027 shall approve a previously
14 conditionally approved or disapproved land development [~~plat~~]
15 application if the applicant's response adequately addresses each
16 condition for the conditional approval or each reason for the
17 disapproval.

18 (d) A previously conditionally approved or disapproved land
19 development [~~plat~~] application is approved if:

20 (1) the applicant submitted [~~filed~~] a response that
21 meets the requirements of Subsection (c); and

22 (2) the commissioners court or designee that received
23 the response does not disapprove the application on or before the
24 date required by Subsection (a) and in accordance with Section
25 232.0026.

26 SECTION 14. Section 232.0029, Local Government Code, is
27 amended to read as follows:

1 Sec. 232.0029. JUDICIAL REVIEW OF DISAPPROVAL. In a legal
2 action challenging a disapproval of a land development [~~plat~~]
3 application under this subchapter, the county has the burden of
4 proving by clear and convincing evidence that the disapproval meets
5 the requirements of this subchapter or any applicable case law. The
6 court may not use a deferential standard.

7 SECTION 15. Section [212.001\(2\)](#), Local Government Code, is
8 repealed.

9 SECTION 16. The changes in law made by this Act apply only
10 to a land development application submitted on or after the
11 effective date of this Act. An application submitted before the
12 effective date of this Act is governed by the law in effect
13 immediately before the effective date of this Act, and that law is
14 continued in effect for that purpose.

15 SECTION 17. This Act takes effect September 1, 2021.