

By: Oliverson

H.B. No. 4447

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 212.001, Local Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Required planning document" means a document required by the municipality or state or federal law for the approval of a plan or plat. The term includes, as applicable:

(A) associated drainage studies;

(B) traffic impact analyses;

(C) utility evaluations;

(D) geotechnical reports;

(E) federal permits such as Federal Emergency Management Agency Conditional Letters of Map Revision and Letters of Map Revision; and

(F) groundwater availability certifications required under Section 212.0101.

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

Sec. 212.008. APPLICATION FOR APPROVAL. (a) A person desiring approval of a plan or plat must apply to and file a copy of the plan or plat with the municipal planning commission or, if the municipality has no planning commission, the governing body of the

1 municipality.

2 (b) Except as provided by Section 212.0101, a municipal  
3 planning commission or the governing body of the municipality may  
4 not require a person to submit or obtain approval of a required  
5 planning document or fulfill any other prerequisites or conditions  
6 before the person files a copy of the plan or plat with the  
7 municipal planning commission or governing body.

8 (c) A municipal planning commission or the governing body of  
9 the municipality may approve a plan or plat on the condition that  
10 the applicant must also submit or obtain approval of certain  
11 required planning documents after the plat application is filed.  
12 If the municipal planning commission or the governing body of the  
13 municipality conditionally approves a plan or plat on such a  
14 condition, the municipality's approval process for each individual  
15 required planning document shall also be subject to the same  
16 procedures and timelines as those prescribed for plans or plats  
17 under Sections 212.009, 212.0091, 212.0093, 212.0095, and  
18 212.0096, with the exception that the municipal planning commission  
19 or the governing body of the municipality may only approve or  
20 disapprove, but may not conditionally approve, each individual  
21 required planning document.

22 SECTION 3. Section 212.0085, Local Government Code, is  
23 amended by amending the heading and adding Subsections (b), (c),  
24 and (d) to read as follows:

25 Sec. 212.0085. APPROVAL AND BIFURCATED APPROVAL PROCEDURE:  
26 APPLICABILITY. (a) The approval procedures under this subchapter  
27 apply to a municipality regardless of whether the municipality has

1 entered into an interlocal agreement, including an interlocal  
2 agreement between a municipality and county under Section  
3 [242.001](#)(d).

4 (b) After receiving a request from at least five applicants  
5 and conducting a public hearing on the matter at which interested  
6 parties shall be heard, a municipality shall establish a bifurcated  
7 approval procedure under this subchapter, including a phased  
8 approach to the approval of a preliminary plan or plat and a final  
9 plan or plat.

10 (c) Each phase of a bifurcated approval procedure adopted  
11 under subsection (b) shall be subject to the approval procedures in  
12 Sections [212.009](#), [212.0091](#), [212.0093](#), and [212.0095](#).

13 (d) An applicant may, but is not required to, opt-in to the  
14 bifurcated approval procedure established by the municipality  
15 under subsection (b).

16 SECTION 4. Subchapter [A](#), Chapter [232](#), Local Government  
17 Code, is amended by adding Section 232.0001 to read as follows:

18 Sec. 232.0001. DEFINITIONS. In this subchapter:

19 (4) "Required planning document" means a document  
20 required by the county or state or federal law for the approval of a  
21 plan or plat. The term includes, as applicable:

22 (A) associated drainage studies;

23 (B) traffic impact analyses;

24 (C) utility evaluations;

25 (D) geotechnical reports;

26 (E) federal permits such as Federal Emergency

27 Management Agency Conditional Letters of Map Revision and Letters

1 of Map Revision; and

2 (F) groundwater availability certifications  
3 required under Section 212.0101.

4 SECTION 5. Section 232.0025, Local Government Code, is  
5 amended by adding Subsections (b-1) and (b-2) to read as follows:

6 (b-1) Except as provided by Section 232.0032, a county may  
7 not require a person desiring approval of a plat to submit or obtain  
8 approval of a required planning document or otherwise fulfill any  
9 prerequisites or conditions before filing a copy of the plat  
10 application with the commissioners court or the court's designee.

11 (b-2) A commissioners court or the court's designee may  
12 conditionally approve a plat application on the condition that the  
13 applicant must also submit or obtain approval of certain required  
14 planning documents after the plat application is filed. If  
15 commissioners court or the court's designee conditionally approves  
16 a plat application on such a condition, the county's approval  
17 process for each individual required planning document shall also  
18 be subject to the same procedures and timelines as those prescribed  
19 for plat applications under Sections 232.0025, 232.0026, 232.0027,  
20 and 232.0028, with the exception that the commissioners court or  
21 the court's designee may only approve or disapprove, but may not  
22 conditionally approve, each individual required planning document.

23 SECTION 6. Section 232.0023, Local Government Code, is  
24 amended by amending the heading and adding Subsections (b), (c),  
25 and (d) to read as follows:

26 Sec. 232.0023. APPROVAL AND BIFURCATED APPROVAL PROCEDURE:  
27 APPLICABILITY. (a) The plat application approval procedures under

1 this subchapter apply to a county regardless of whether the county  
2 has entered into an interlocal agreement, including an interlocal  
3 agreement between a municipality and county under Section  
4 [242.001\(d\)](#).

5 (b) After receiving a request from at least five applicants  
6 and conducting a public hearing on the matter at which interested  
7 parties shall be heard, a county shall establish a bifurcated  
8 approval procedure under this subchapter, including a phased  
9 approach to the approval of a preliminary plat and a final plat.

10 (c) Each phase of a bifurcated approval procedure adopted  
11 under subsection (b) shall be subject to the approval procedures in  
12 Sections [232.0025](#), [232.0026](#), [232.0027](#), and [232.0028](#).

13 (d) An applicant may, but is not required to, opt-in to the  
14 bifurcated approval procedure established by the county under  
15 subsection (b).

16 SECTION 7. The change in law made by this Act applies only  
17 to a plan or plat application filed on or after the effective date  
18 of this Act. A plan or plat application filed before the effective  
19 date of this Act is governed by the law in effect immediately before  
20 the effective date of this Act, and that law is continued in effect  
21 for that purpose.

22 SECTION 8. This Act takes effect September 1, 2021.