

BILL ANALYSIS

C.S.H.B. 3697
By: Wilson
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Constituents in House District 20 have noted that subdivision regulation and the approval of subdivision plats can differ from county to county. Given that Texas is a diverse state with vast changes in topography and widely differing population densities, counties understandably have different requirements for subdivision regulation and subdivision plat approval. C.S.H.B. 3697 seeks to help address this issue by requiring a county commissioners court to post and continuously maintain on the county's website the most current version of the list of documentation and other information that must be submitted with a plat application in order to provide more consistency throughout Texas for future development and to provide the public with as much notice as possible regarding the requirements for a plat application.

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. 3697 amends the Local Government Code, with respect to the requirement that the owner of a tract of land located outside the limits of a municipality have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, to specify the following:

- the intention for the public use dedication is the tract owner's intention;
- the use of the purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts is their private use; and
- those streets, alleys, squares, parks, or other parts are to be maintained by those lot purchasers and owners.

C.S.H.B. 3697, with respect to the requirement that a county commissioners court or a person designated by the commissioners court issue a written list of the documentation and other information that must be submitted with a plat application, specifies that such documentation and other information is all documentation and other information that must be submitted with a plat application. The bill requires the commissioners court to post and continuously maintain the most current version of the list on the county's website. The bill requires each county to adopt and publish the list as soon as practicable after the bill's effective date but not later than January 1, 2024.

C.S.H.B. 3697, if the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by provisions relating to subdivision platting requirements in general, authorizes the prevailing party, in an action filed for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's approval, to recover reasonable attorney's fees and court costs incurred in the action.

C.S.H.B. 3697 prohibits a county commissioners court or the court's designee from refusing to review a plat application or refusing to approve a plat for recordation for failure to identify a corridor, defined by reference as a geographical band that follows a general directional flow connecting major sources of trips, unless the corridor is part of an agreement between the Texas Department of Transportation and the county under provisions relating to cooperative planning with counties.

C.S.H.B. 3697 applies only to a plat application submitted on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3697 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits a provision present in the introduced that removed the requirement that the owner of a tract of land located outside the limits of a municipality have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out streets, alleys, squares, parks, or other parts of the tract intended for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. The substitute includes provisions absent in the introduced that instead specify that such use is private use and that those streets, alleys, squares, parks, or other parts be maintained by those lot purchasers and owners.

Whereas the introduced required a commissioners court to ensure that the county's website is continuously updated to include the current list of all documentation and other information that must be submitted with a plat application, the substitute requires the commissioners court to continuously maintain the most current version of the list on the website.

With regard to the recovery of reasonable attorney's fees and court costs incurred in an action filed for a writ of mandamus to compel a commissioners court to issue documents recognizing a plat application's approval, the introduced provided for such recovery by the applicant, whereas the substitute provides for such recovery by the prevailing party in the action.