

BILL ANALYSIS

Senate Research Center
88R29681 AMF-F

C.S.H.B. 3697
By: Wilson (Bettencourt)
Local Government
5/17/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texans 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. 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.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3697 amends current law relating to county regulation of subdivisions and approval of subdivision plans or plats.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 232.001(a), Local Government Code, as follows:

(a) Requires the owner of a tract of land located outside the limits of a municipality to have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:

(1)-(2) makes no changes to these subdivisions; or

(3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use or for the private use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts to be maintained by the purchasers or owners of those lots.

SECTION 2. Amends Sections 232.0025(a) and (i), Local Government Code, as follows:

(a) Requires the commissioners court to post and continuously maintain the most current version of the list of all documentation and other information that is required to be submitted with a plat application on the county's Internet website. Makes nonsubstantive changes.

(i) Provides that if the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by Subchapter A (Subdivision Platting Requirements in General):

(1) makes no changes to this subdivision;

(2)-(3) makes nonsubstantive changes to these subdivisions; and

(4) the prevailing party in an action filed under Subdivision (3) (relating to authorizing the applicant to 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 application's approval) is authorized to recover reasonable attorney's fees and court costs incurred in the action.

SECTION 3. Amends Section 232.0033, Local Government Code, by adding Subsection (c) to prohibit the commissioners court of a county 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, as defined by Section 201.619 (Cooperative Planning With Counties), Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and the county under that section.

SECTION 4. Amends Sections 232.101(a) and (b), Local Government Code, as follows:

(a) Authorizes the commissioners court, by an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, to adopt rules governing plats and subdivisions of land within the unincorporated area of the county as authorized by Subchapter E (Infrastructure Planning Provisions in Certain Urban Counties), rather than to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

(b) Prohibits a commissioners court from regulating, either directly or indirectly, certain land uses, including the minimum size of a lot, dimension of a lot, minimum width of a lot frontage, minimum distance a lot is required to be set back from a road or property line, or another component of lot density on a particular tract of land. Deletes existing text prohibiting a commissioners court, unless otherwise authorized by state law, from regulating certain land uses under Section 232.101 (Rules). Makes nonsubstantive changes.

SECTION 5. Repealers: Sections 232.103 (Lot Frontages) and 232.104 (Set-Backs), Local Government Code.

SECTION 6. Requires each county, as soon as practicable after the effective date of this Act but not later than January 1, 2024, to adopt and publish the list described by Section 232.0025, Local Government Code, as amended by this Act.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: upon passage or September 1, 2023.