H.B. No. 3697

AN ACT

relating to county regulation of subdivisions and approval of subdivision plans or plats.

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

SECTION 1.  Section 232.001, Local Government Code, is amended by amending Subsection (a) and adding Subsections (g) and (h) to read as follows:

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

(1)  a subdivision of the tract, including an addition;

(2)  lots; 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 use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts~~].

(g)  A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1)  the commissioners court; or

(2)  the county authority responsible for approving plats.

(h)  The commissioners court or the county authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly required by state law.

SECTION 2.  Subchapter A, Chapter 232, Local Government Code, is amended by adding Sections 232.0012 and 232.0022 to read as follows:

Sec. 232.0012.  CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a county from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 232.0025, 232.0026, 232.0027, and 232.0028.

Sec. 232.0022.  DELEGATION OF APPROVAL RESPONSIBILITY. (a) The commissioners court of a county or the court's designee may designate to one or more officers or employees of the county the authority to approve, approve with conditions, or disapprove a plat.

(b)  An applicant has the right to appeal to the commissioners court or the court's designee if the designated person or persons disapprove a plat.

SECTION 3.  The heading to Section 232.0025, Local Government Code, is amended to read as follows:

Sec. 232.0025.  APPROVAL PROCEDURE: TIMELY APPROVAL OF PLATS [~~AND PLANS~~].

SECTION 4.  Section 232.0025, Local Government Code, is amended by amending Subsections (a), (b), (c), (d), (f), (g), (h), and (i) and adding Subsection (f-1) to read as follows:

(a)  The commissioners court of a county or a person designated by the commissioners court shall issue a written list of all [~~the~~] documentation and other information that must be submitted with a plat application. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the commissioners court or the person designated by the commissioners court that contains all [~~the~~] documents and other information on the written list is considered complete. The commissioners court shall post and continuously maintain the most current version of the list on the county's Internet website.

(b)  If a person submits a plat application to the commissioners court that does not include all of the documentation or other information required by Subsection (a), the commissioners court or the county authority responsible for approving plats [~~court's designee~~] shall, not later than the 10th business day after the date the commissioners court receives the application, notify the applicant of the missing documents or other information. The commissioners court shall allow an applicant to timely submit the missing documents or other information.

(c)  An application is considered complete when all documentation or other information required by Subsection (a) is received. Acceptance by the commissioners court or the county authority responsible for approving plats [~~court's designee~~] of a completed plat application with the documentation or other information required by Subsection (a) shall not be construed as approval of the documentation or other information.

(d)  Except as provided by Subsection (f), the commissioners court or the county authority responsible for approving plats [~~court's designee~~] shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the commissioners court or the county authority [~~court's designee~~]. An application is approved by the commissioners court or the county authority [~~court's designee~~] unless the application is disapproved within that period and in accordance with Section 232.0026.

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

(1)  for a purpose related to Chapter 2007, Government Code, may be extended for a period not to exceed 30 days, if:

(A)  requested and agreed to in writing by the applicant and approved by the commissioners court or the county authority responsible for approving plats [~~court's designee~~]; or

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

(2)  for a purpose unrelated to Chapter 2007, Government Code, may be extended for one or more periods, not to exceed 30 days, if requested and agreed to in writing by the applicant and approved by the commissioners court or the county authority.

(f-1)  The 30-day period under Subsection (d) applies only to a decision wholly within the control of the commissioners court or the county authority responsible for approving plats [~~court's designee~~].

(g)  The commissioners court or the county authority responsible for approving plats [~~court's designee~~] shall make the determination under Subsection (f)(1) of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the commissioners court or the county authority [~~court's designee~~].

(h)  The commissioners court or the county authority responsible for approving plats [~~court's designee~~] may not require an applicant to waive the time limits or approval procedure contained in this subchapter.

(i)  If the commissioners court or the county authority responsible for approving plats [~~court's designee~~] fails to approve, approve with conditions, or disapprove a plat application as required by this subchapter:

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

(2)  the application is granted by operation of law; [~~and~~]

(3)  the applicant may 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;

(4)  the applicant shall recover reasonable attorney's fees and court costs incurred in bringing an action under Subdivision (3) if the applicant prevails; and

(5)  the county may recover reasonable attorney's fees and court costs incurred in an action brought under Subdivision (3) if the county prevails and the court finds the action is frivolous.

SECTION 5.  Section 232.0026(a), Local Government Code, is amended to read as follows:

(a)  A commissioners court or county authority responsible for approving plats [~~designee~~] that conditionally approves or disapproves of a plat application under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 6.  Sections 232.0027 and 232.0028, Local Government Code, are amended to read as follows:

Sec. 232.0027.  APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL.  After the conditional approval or disapproval of a plat application under Section 232.0026, the applicant may submit to the commissioners court or county authority responsible for approving plats [~~designee~~] that conditionally approved or disapproved the application a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.  The commissioners court or county authority [~~designee~~] may not establish a deadline for an applicant to submit the response.

Sec. 232.0028.  APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE.  (a)  A commissioners court or county authority responsible for approving plats [~~designee~~] that receives a response under Section 232.0027 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under Section 232.0027.

(b)  A commissioners court or county authority responsible for approving plats [~~designee~~] that conditionally approves or disapproves a plat application following the submission of a response under Section 232.0027:

(1)  must comply with Section 232.0026; and

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

(c)  A commissioners court or county authority responsible for approving plats [~~designee~~] that receives a response under Section 232.0027 shall approve a previously conditionally approved or disapproved plat application if the applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval.

(d)  A previously conditionally approved or disapproved plat application is approved if:

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

(2)  the commissioners court or county authority responsible for approving plats [~~designee~~] that received the response does not disapprove the application on or before the date required by Subsection (a) and in accordance with Section 232.0026.

SECTION 7.  Section 232.0033, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c)  The commissioners court of a county or the court's designee may not refuse to review a plat application or refuse to approve a plat for recordation for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and the county under that section.

SECTION 8.  Section 232.0025(d-1), Local Government Code, is repealed.

SECTION 9.  As soon as practicable after the effective date of this Act but not later than January 1, 2024, each county shall adopt and publish the list described by Section 232.0025, Local Government Code, as amended by this Act.

SECTION 10.  The changes in law made by this Act apply only to a plat application submitted on or after the effective date of this Act. A plat application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

SECTION 11.  This Act takes effect September 1, 2023.

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  President of the Senate Speaker of the House

I certify that H.B. No. 3697 was passed by the House on May 9, 2023, by the following vote:  Yeas 128, Nays 14, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3697 on May 23, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3697 on May 28, 2023, by the following vote:  Yeas 119, Nays 24, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3697 was passed by the Senate, with amendments, on May 19, 2023, by the following vote:  Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3697 on May 28, 2023, by the following vote:  Yeas 19, Nays 12.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor