

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.

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

6 SECTION 2. Subchapter [A](#), Chapter [232](#), Local Government
7 Code, is amended by adding Sections 232.0012 and 232.0022 to read as
8 follows:

9 Sec. 232.0012. CONSTRUCTION OF SUBCHAPTER. This subchapter
10 may not be construed to restrict a county from establishing a
11 submittal calendar to be used by an applicant to facilitate
12 compliance with the approval process described by Sections
13 [232.0025](#), [232.0026](#), [232.0027](#), and [232.0028](#).

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

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

22 SECTION 3. The heading to Section [232.0025](#), Local
23 Government Code, is amended to read as follows:

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

26 SECTION 4. Section [232.0025](#), Local Government Code, is
27 amended by amending Subsections (a), (b), (c), (d), (f), (g), (h),

1 and (i) and adding Subsection (f-1) to read as follows:

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

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

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

1 approval of the documentation or other information.

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

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

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

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

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

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

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

1 ~~designee~~].

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

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

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

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

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

21 (3) the applicant may apply to a district court in the
22 county where the tract of land is located for a writ of mandamus to
23 compel the commissioners court to issue documents recognizing the
24 plat application's approval;

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

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

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

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

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

15 Sec. 232.0027. APPROVAL PROCEDURE: APPLICANT RESPONSE TO
16 CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional
17 approval or disapproval of a plat application under Section
18 232.0026, the applicant may submit to the commissioners court or
19 county authority responsible for approving plats [~~designee~~] that
20 conditionally approved or disapproved the application a written
21 response that satisfies each condition for the conditional approval
22 or remedies each reason for disapproval provided. The
23 commissioners court or county authority [~~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 county authority
27 responsible for approving plats [~~designee~~] that receives a response

1 under Section 232.0027 shall determine whether to approve or
2 disapprove the applicant's previously conditionally approved or
3 disapproved plat application not later than the 15th day after the
4 date the response was submitted under Section 232.0027.

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

9 (1) must comply with Section 232.0026; and

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

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

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

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

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

27 SECTION 7. Section 232.0033, Local Government Code, is

1 amended by adding Subsection (c) to read as follows:

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

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

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

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

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

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.

Chief Clerk of the House

H.B. No. 3697

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.

Secretary of the Senate

APPROVED: _____

Date

Governor