

By: Wilson

H.B. No. 3697

Substitute the following for H.B. No. 3697:

By: Burns

C.S.H.B. No. 3697

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to county regulation of subdivisions and approval of  
3 subdivision plans or plats.

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

5 SECTION 1. Section 232.001(a), Local Government Code, is  
6 amended to read as follows:

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

- 10 (1) a subdivision of the tract, including an addition;  
11 (2) lots; or  
12 (3) streets, alleys, squares, parks, or other parts of  
13 the tract intended by the owner of the tract to be dedicated to  
14 public use or for the private use of purchasers or owners of lots  
15 fronting on or adjacent to the streets, alleys, squares, parks, or  
16 other parts to be maintained by the purchasers or owners of those  
17 lots.

18 SECTION 2. Sections 232.0025(a) and (i), Local Government  
19 Code, are amended to read as follows:

20 (a) The commissioners court of a county or a person  
21 designated by the commissioners court shall issue a written list of  
22 all [~~the~~] documentation and other information that must be  
23 submitted with a plat application. The documentation or other  
24 information must relate to a requirement authorized under this

1 section or other applicable law. An application submitted to the  
2 commissioners court or the person designated by the commissioners  
3 court that contains all [~~the~~] documents and other information on  
4 the written list is considered complete. The commissioners court  
5 shall post and continuously maintain the most current version of  
6 the list on the county's Internet website.

7 (i) If the commissioners court or the court's designee fails  
8 to approve, approve with conditions, or disapprove a plat  
9 application as required by this subchapter:

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

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

15 (3) the applicant may apply to a district court in the  
16 county where the tract of land is located for a writ of mandamus to  
17 compel the commissioners court to issue documents recognizing the  
18 plat application's approval; and

19 (4) the prevailing party in an action filed under  
20 Subdivision (3) may recover reasonable attorney's fees and court  
21 costs incurred in the action.

22 SECTION 3. Section 232.0033, Local Government Code, is  
23 amended by adding Subsection (c) to read as follows:

24 (c) The commissioners court of a county or the court's  
25 designee may not refuse to review a plat application or refuse to  
26 approve a plat for recordation for failure to identify a corridor,  
27 as defined by Section 201.619, Transportation Code, unless the

1 corridor is part of an agreement between the Texas Department of  
2 Transportation and the county under that section.

3 SECTION 4. As soon as practicable after the effective date  
4 of this Act but not later than January 1, 2024, each county shall  
5 adopt and publish the list described by Section 232.0025, Local  
6 Government Code, as amended by this Act.

7 SECTION 5. The changes in law made by this Act apply only to  
8 a plat application submitted on or after the effective date of this  
9 Act. A plat application submitted before the effective date of this  
10 Act is governed by the law in effect on the date the application was  
11 submitted, and that law is continued in effect for that purpose.

12 SECTION 6. This Act takes effect September 1, 2023.