

By: Wilson

H.B. No. 3697

A BILL TO BE ENTITLED

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(a), Local Government Code, is amended 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~~].

SECTION 2. Sections 232.0025(a) and (i), Local Government Code, are amended 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

1 commissioners court or the person designated by the commissioners  
2 court that contains all [~~the~~] documents and other information on  
3 the written list is considered complete. The commissioners court  
4 shall post the list on the county's Internet website and ensure that  
5 the website is continuously updated to include the current list.

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

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

12 (2) the application is granted by operation of law;  
13 and

14 (3) the applicant may apply to a district court in the  
15 county where the tract of land is located for a writ of mandamus to  
16 compel the commissioners court to issue documents recognizing the  
17 plat application's approval and may recover reasonable attorney's  
18 fees and court costs incurred in the action.

19 SECTION 3. Section [232.0033](#), Local Government Code, is  
20 amended by adding Subsection (c) to read as follows:

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

27 SECTION 4. As soon as practicable after the effective date

1 of this Act but not later than January 1, 2024, each county shall  
2 adopt and publish the list described by Section [232.0025](#), Local  
3 Government Code, as amended by this Act.

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

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