

1-1 By: Wilson (Senate Sponsor - Bettencourt) H.B. No. 3699
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Local
 1-4 Government; May 18, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;
 1-6 May 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3699 By: Parker

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to municipal regulation of subdivisions and approval of
 1-22 subdivision plans or plats.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 212, Local Government
 1-25 Code, is amended by adding Section 212.0021 to read as follows:

1-26 Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing
 1-27 body of a municipality, by ordinance and after notice is published
 1-28 in a newspaper of general circulation in the municipality, may:

1-29 (1) adopt, based on the amount and kind of travel over
 1-30 each street or road in a subdivision, reasonable specifications
 1-31 relating to the construction of each street or road; and

1-32 (2) adopt reasonable specifications to provide
 1-33 adequate drainage for each street or road in a subdivision in
 1-34 accordance with standard engineering practices.

1-35 SECTION 2. Section 212.003(a), Local Government Code, is
 1-36 amended to read as follows:

1-37 (a) The governing body of a municipality by ordinance may
 1-38 extend to the extraterritorial jurisdiction of the municipality the
 1-39 application of municipal ordinances adopted under Section 212.002
 1-40 and other municipal ordinances relating to access to public roads
 1-41 or the pumping, extraction, and use of groundwater by persons other
 1-42 than retail public utilities, as defined by Section 13.002, Water
 1-43 Code, for the purpose of preventing the use or contact with
 1-44 groundwater that presents an actual or potential threat to human
 1-45 health. However, unless otherwise authorized by state law, in its
 1-46 extraterritorial jurisdiction a municipality shall not regulate,
 1-47 either directly or indirectly:

1-48 (1) the use of any building or property for business,
 1-49 industrial, residential, or other purposes;

1-50 (2) the bulk, height, or number of buildings
 1-51 constructed on a particular tract of land;

1-52 (3) the size of a building that can be constructed on a
 1-53 particular tract of land, including without limitation any
 1-54 restriction on the ratio of building floor space to the land square
 1-55 footage;

1-56 (4) the minimum size of a lot, dimensions of a lot,
 1-57 minimum width of a lot frontage, minimum distance a lot must be set
 1-58 back from a road or property line, or another component of lot
 1-59 density on a particular tract of land;

1-60 (5) the number of residential units that can be built
 1-61 per acre of land; or

1-62 (6) [~~(5)~~] the size, type, or method of construction of

2-1 a water or wastewater facility that can be constructed to serve a
 2-2 developed tract of land if[+
 2-3 [~~(A)~~] the facility meets the minimum standards
 2-4 established for water or wastewater facilities by state and federal
 2-5 regulatory entities[~~, and~~
 2-6 [~~(B) the developed tract of land is:~~
 2-7 [~~(i) located in a county with a population~~
 2-8 ~~of 2.8 million or more; and~~
 2-9 [~~(ii) served by:~~
 2-10 [~~(a) on-site septic systems~~
 2-11 ~~constructed before September 1, 2001, that fail to provide adequate~~
 2-12 ~~services; or~~
 2-13 [~~(b) on-site water wells constructed~~
 2-14 ~~before September 1, 2001, that fail to provide an adequate supply of~~
 2-15 ~~safe drinking water].~~

2-16 SECTION 3. Sections 212.004(a) and (b), Local Government
 2-17 Code, are amended to read as follows:

2-18 (a) The owner of a tract of land located within the limits or
 2-19 in the extraterritorial jurisdiction of a municipality who divides
 2-20 the tract in two or more parts to lay out a subdivision of the tract,
 2-21 including an addition to a municipality, to lay out suburban,
 2-22 building, or other lots, or to lay out streets, alleys, squares,
 2-23 parks, or other parts of the tract intended by the owner of the
 2-24 tract to be dedicated to public use or for the private use of
 2-25 purchasers or owners of lots fronting on or adjacent to the streets,
 2-26 alleys, squares, parks, or other parts to be maintained by the
 2-27 purchasers or owners of those lots must have a plat of the
 2-28 subdivision prepared. A division of a tract under this subsection
 2-29 includes a division regardless of whether it is made by using a
 2-30 metes and bounds description in a deed of conveyance or in a
 2-31 contract for a deed, by using a contract of sale or other executory
 2-32 contract to convey, or by using any other method. A division of
 2-33 land under this subsection does not include a division of land into
 2-34 parts greater than five acres, where each part has access and no
 2-35 public improvement is being dedicated.

2-36 (b) To be recorded, the plat must:
 2-37 (1) describe the subdivision by metes and bounds;
 2-38 (2) locate the subdivision with respect to a corner of
 2-39 the survey or tract or an original corner of the original survey of
 2-40 which it is a part; and
 2-41 (3) state the dimensions of the subdivision and of
 2-42 each street, alley, square, park, or other part of the tract
 2-43 intended by the owner of the tract to be dedicated to public use or
 2-44 for the private use of purchasers or owners of lots fronting on or
 2-45 adjacent to the street, alley, square, park, or other part to be
 2-46 maintained by the purchasers or owners of those lots.

2-47 SECTION 4. Section 212.005, Local Government Code, is
 2-48 amended to read as follows:

2-49 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The
 2-50 municipal authority responsible for approving plats must approve a
 2-51 plat or replat that is required to be prepared under this subchapter
 2-52 and that satisfies the requirements of this subchapter [all
 2-53 applicable regulations].

2-54 (b) This subchapter may not be construed to convey any
 2-55 authority to a municipality regarding the completeness of an
 2-56 application or the approval of a plat or replat that is not
 2-57 explicitly granted by this subchapter.

2-58 SECTION 5. Subchapter A, Chapter 212, Local Government
 2-59 Code, is amended by adding Section 212.0081 to read as follows:

2-60 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each
 2-61 municipality shall adopt and make available to the public a
 2-62 complete, written list of all documentation and other information
 2-63 that the municipality requires to be submitted with a plat
 2-64 application. The required documentation and other information must
 2-65 be related to a requirement authorized under this subchapter.

2-66 (b) A plat application submitted to the municipal authority
 2-67 responsible for approving plats that contains all documents and
 2-68 other information on the list provided under Subsection (a) is
 2-69 considered complete.

2-70 (c) A municipality that operates an Internet website shall
 2-71 publish and continuously maintain the list described by Subsection

3-1 (a) on the Internet website not later than the 30th day after the
3-2 date the municipality adopts or amends the list.

3-3 (d) A municipality that does not operate an Internet website
3-4 shall publish the list described by Subsection (a) on adoption of
3-5 the list or an amendment to the list in:

3-6 (1) a newspaper of general circulation in the
3-7 municipality; and

3-8 (2) a public place in the location in which the
3-9 governing body of the municipality meets.

3-10 SECTION 6. Section 212.009(b-2), Local Government Code, is
3-11 amended to read as follows:

3-12 (b-2) Notwithstanding Subsection (a) or (b), the parties
3-13 shall ~~may~~ extend the 30-day period described by those subsections
3-14 for a period not to exceed 30 days if:

3-15 (1) both:

3-16 (A) the applicant requests the extension in
3-17 writing to the municipal authority responsible for approving plats
3-18 or the governing body of the municipality, as applicable; and

3-19 (B) ~~[(2)]~~ the municipal authority or governing
3-20 body, as applicable, approves the extension request; or

3-21 (2) Chapter 2007, Government Code, requires the
3-22 municipality to perform a takings impact assessment in connection
3-23 with the plan or plat.

3-24 SECTION 7. Section 212.010, Local Government Code, is
3-25 amended by adding Subsections (c), (d), and (e) to read as follows:

3-26 (c) The municipal authority responsible for approving plats
3-27 may not require the dedication of land within a subdivision for a
3-28 future street or alley that is:

3-29 (1) not intended by the owner of the tract; and

3-30 (2) not included, funded, and approved in:

3-31 (A) a capital improvement plan adopted by the
3-32 municipality; or

3-33 (B) a similar plan adopted by a county in which
3-34 the municipality is located or the state.

3-35 (d) A municipal authority responsible for approving plats
3-36 may not refuse to review a plat or to approve a plat for recordation
3-37 for failure to identify a corridor, as defined by Section 201.619,
3-38 Transportation Code, unless the corridor is part of an agreement
3-39 between the Texas Department of Transportation and a county in
3-40 which the municipality is located under that section.

3-41 (e) If a municipal authority responsible for approving
3-42 plats fails or refuses to approve a plat that meets the requirements
3-43 of this subchapter, the owner of the tract that is the subject of
3-44 the plat may bring an action in a district court in a county in which
3-45 the tract is located for a writ of mandamus to compel the municipal
3-46 authority to approve the plat by issuing to the owner applicable
3-47 approval documentation. The prevailing party may recover
3-48 reasonable and necessary attorney's fees and court costs in the
3-49 action.

3-50 SECTION 8. As soon as practicable after the effective date
3-51 of this Act but not later than January 1, 2024, each municipality
3-52 shall adopt and publish the list described by Section 212.0081,
3-53 Local Government Code, as added by this Act.

3-54 SECTION 9. The changes in law made by this Act apply only to
3-55 an application submitted on or after the effective date of this Act.
3-56 An application submitted before the effective date of this Act is
3-57 governed by the law applicable to the application immediately
3-58 before the effective date of this Act, and that law is continued in
3-59 effect for that purpose.

3-60 SECTION 10. This Act takes effect immediately if it
3-61 receives a vote of two-thirds of all the members elected to each
3-62 house, as provided by Section 39, Article III, Texas Constitution.
3-63 If this Act does not receive the vote necessary for immediate
3-64 effect, this Act takes effect September 1, 2023.

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