

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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 private use of purchasers or owners of lots  
fronting on or adjacent to the streets, alleys, squares, parks, or  
other parts to be maintained by the purchasers or owners of those  
lots.

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

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.

**ADOPTED**

MAY 19 2023

H. B. No. 3197  
Secretary of the Senate

By: Paul Bellercont

Substitute the following for H.B. No. \_\_\_\_\_:

By: Robert Lee Nichols

C.S. H.B. No. 3197

A BILL TO BE ENTITLED

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AN ACT

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. Sections 232.101(a) and (b), Local Government  
4 Code, are amended to read as follows:

5 (a) By an order adopted and entered in the minutes of the  
6 commissioners court and after a notice is published in a newspaper  
7 of general circulation in the county, the commissioners court may  
8 adopt rules governing plats and subdivisions of land within the  
9 unincorporated area of the county as authorized by this subchapter  
10 ~~[to promote the health, safety, morals, or general welfare of the~~  
11 ~~county and the safe, orderly, and healthful development of the~~  
12 ~~unincorporated area of the county]~~.

13 (b) A ~~[Unless otherwise authorized by state law, a]~~  
14 commissioners court shall not regulate, either directly or  
15 indirectly ~~[under this section]~~:

16 (1) the use of any building or property for business,  
17 industrial, residential, or other purposes;

18 (2) the bulk, height, or number of buildings  
19 constructed on a particular tract of land;

20 (3) the size of a building that can be constructed on a  
21 particular tract of land, including without limitation and  
22 restriction on the ratio of building floor space to the land square  
23 footage;

24 (4) the minimum size of a lot, dimensions of a lot,  
25 minimum width of a lot frontage, minimum distance a lot must be set  
26 back from a road or property line, or another component of lot  
27 density on a particular tract of land;

1           (5) the number of residential units that can be built  
2 per acre of land;

3           (6) [~~45~~] a plat or subdivision in an adjoining  
4 county; or

5           (7) [~~46~~] road access to a plat or subdivision in an  
6 adjoining county.

7           SECTION 5. Sections 232.103 and 232.104, Local Government  
8 Code, are repealed.

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

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

18           SECTION 8. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2023.

FLOOR AMENDMENT NO. 7

**ADOPTED**

**MAY 19 2023**

BY

*Paul Bellercont*

Amend Senate Committee Report for H.B. 3697 as follows:

*Antony Spaw*  
Secretary of the Senate

- (1) On page 2, strike lines 13 and 14 and replace with the following:

"SECTION 4. Sections 232.101, Local Government Code, is amended by amending subsections (a) and (b) and adding a new subsection (d) as follows:"

- (2) After page 2, line 43, insert the following:

"(d) A rule related to plats, development permits, and subdivisions of land may not require any analysis, study, document, agreement, or similar requirement that is not otherwise specifically required by statute."



ADOPTED

MAY 19 2023

Lacey Spaw  
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY

Joan Huffman

1 Amend C.S.H.B. No. 3697 (senate committee report) as follows:

2 (1) Strike the recital to SECTION 4 of the bill (page 2,  
3 lines 13 and 14) and substitute the following:

4 SECTION 4. Section 232.101, Local Government Code, is amended  
5 by amending Subsections (a) and (b) and adding Subsection (b-1) to  
6 read as follows:

7 (2) In SECTION 4 of the bill, in amended Section  
8 232.101(b)(4), Local Government Code (page 2, line 34), between  
9 "(4)" and "the", insert "except as provided by Subsection (b-1)".

10 (3) In SECTION 4 of the bill, immediately after amended  
11 Section 232.101(b), Local Government Code (page 2, between lines  
12 43 and 44), insert the following:

13 (b-1) A county that has a population of more than 370,000  
14 and contains more than eight municipalities, each with a population  
15 of less than 2,000, may regulate the minimum size of a lot,  
16 dimensions of a lot, minimum width of a lot frontage, minimum  
17 distance a lot must be set back from a road or property line, or  
18 another component of lot density on a particular tract of land  
19 that the county may otherwise regulate under other law.

20 (4) Strike SECTION 5 of the bill, repealing Sections 232.103  
21 and 232.104, Local Government Code (page 2, lines 44 and 45).

22 (5) Add the following appropriately numbered SECTIONS to the  
23 bill and renumber subsequent SECTIONS of the bill accordingly:

24 SECTION \_\_\_\_ . Section 232.103, Local Government Code, is  
25 amended to read as follows:

1           Sec. 232.103. LOT FRONTAGES. Subject to Sections 232.101(b)  
2 and (b-1), by [By] an order adopted and entered in the minutes of  
3 the commissioners court and after a notice is published in a  
4 newspaper of general circulation in the county, the commissioners  
5 court may adopt reasonable standards for minimum lot frontages on  
6 existing county roads and establish reasonable standards for the  
7 lot frontages in relation to curves in the road.

8           SECTION \_\_\_\_\_. Section 232.104, Local Government Code, is  
9 amended to read as follows:

10           Sec. 232.104. SET-BACKS. Subject to Sections 232.101(b) and  
11 (b-1), by [By] an order adopted and entered in the minutes of the  
12 commissioners court and after a notice is published in a newspaper  
13 of general circulation in the county, the commissioners court may  
14 establish reasonable building and set-back lines as provided by  
15 Chapter 233 without the limitation period provided by Section  
16 233.034(c) [233.004(e)].

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3697** by Wilson (Relating to county regulation of subdivisions and approval of subdivision plans or plats.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain counties related to the regulation of subdivisions and approval procedures for subdivision plans or plats, as would be amended by the bill.

**Source Agencies:**

**LBB Staff:** JMc, CMA, AF, NTh

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 17, 2023**

**TO:** Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3697** by Wilson (relating to county regulation of subdivisions and approval of subdivision plans or plats.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain counties related to the regulation of subdivisions and approval procedures for subdivision plans or plats, as would be amended by the bill.

**Source Agencies:**

**LBB Staff:** JMc, AF, CMA, NTh

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 15, 2023**

**TO:** Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3697** by Wilson (Relating to county regulation of subdivisions and approval of subdivision plans or plats.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain counties related to the regulation of subdivisions and approval procedures for subdivision plans or plats, as would be amended by the bill.

**Source Agencies:**

**LBB Staff:** JMc, AF, CMA, NTh

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

April 26, 2023

**TO:** Honorable DeWayne Burns, Chair, House Committee on Land & Resource Management

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB3697** by Wilson (relating to county regulation of subdivisions and approval of subdivision plans or plats.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain counties related to the regulation of subdivisions and approval procedures for subdivision plans or plats, as would be amended by the bill.

**Source Agencies:**

**LBB Staff:** JMc, AF, CMA, NTh

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 18, 2023**

**TO:** Honorable DeWayne Burns, Chair, House Committee on Land & Resource Management

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3697** by Wilson (Relating to county regulation of subdivisions and approval of subdivision plans or plats.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain counties related to the regulation of subdivisions and approval procedures for subdivision plans or plats, as would be amended by the bill.

**Source Agencies:**

**LBB Staff:** JMc, AF, CMA, NTh