

SENATE AMENDMENTS

2nd Printing

By: Wilson

H.B. No. 3699

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

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

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

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

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

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

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

(a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out 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

1 purchasers or owners of lots fronting on or adjacent to the streets,
2 alleys, squares, parks, or other parts to be maintained by the
3 purchasers or owners of those lots must have a plat of the
4 subdivision prepared. A division of a tract under this subsection
5 includes a division regardless of whether it is made by using a
6 metes and bounds description in a deed of conveyance or in a
7 contract for a deed, by using a contract of sale or other executory
8 contract to convey, or by using any other method. A division of
9 land under this subsection does not include a division of land into
10 parts greater than five acres, where each part has access and no
11 public improvement is being dedicated.

12 (b) To be recorded, the plat must:

13 (1) describe the subdivision by metes and bounds;

14 (2) locate the subdivision with respect to a corner of
15 the survey or tract or an original corner of the original survey of
16 which it is a part; and

17 (3) state the dimensions of the subdivision and of
18 each street, alley, square, park, or other part of the tract
19 intended by the owner of the tract to be dedicated to public use or
20 for the private use of purchasers or owners of lots fronting on or
21 adjacent to the street, alley, square, park, or other part to be
22 maintained by the purchasers or owners of those lots.

23 SECTION 3. Section 212.005, Local Government Code, is
24 amended to read as follows:

25 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The
26 municipal authority responsible for approving plats must approve a
27 plat or replat that is required to be prepared under this subchapter

1 and that satisfies the requirements of this subchapter [~~all~~
2 ~~applicable regulations~~].

3 (b) This subchapter may not be construed to convey any
4 authority to a municipality regarding the completeness of an
5 application or the approval of a plat or replat that is not
6 explicitly granted by this subchapter.

7 SECTION 4. Subchapter A, Chapter 212, Local Government
8 Code, is amended by adding Section 212.0081 to read as follows:

9 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each
10 municipality to which this subchapter applies shall adopt and make
11 available to the public a complete, written list of all
12 documentation and other information that the municipality requires
13 to be submitted with a plat application. The required documentation
14 and other information must be related to a requirement authorized
15 under this subchapter.

16 (b) An application submitted to the municipal authority
17 responsible for approving plats that contains all documents and
18 other information on the list provided under Subsection (a) is
19 considered complete.

20 (c) A municipality that operates an Internet website shall
21 publish and continuously maintain the list described by Subsection
22 (a) on the Internet website not later than the 30th day after the
23 date the municipality adopts or amends the list.

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

27 (1) a newspaper of general circulation in the

1 municipality; and

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

4 SECTION 5. Section 212.009(b-2), Local Government Code, is
5 amended to read as follows:

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

9 (1) both:

10 (A) the applicant requests the extension in
11 writing to the municipal authority responsible for approving plats
12 or the governing body of the municipality, as applicable; and

13 (B) ~~(2)~~ the municipal authority or governing
14 body, as applicable, approves the extension request; or

15 (2) Chapter 2007, Government Code, requires the
16 municipality to perform a takings impact assessment in connection
17 with the plan or plat.

18 SECTION 6. Section 212.010, Local Government Code, is
19 amended by adding Subsections (c), (d), and (e) to read as follows:

20 (c) The municipal authority responsible for approving plats
21 may not require the dedication of land within a subdivision for a
22 future street or alley that is:

23 (1) not intended by the owner of the tract; and

24 (2) not included, funded, and approved in:

25 (A) a capital improvement plan adopted by the
26 municipality; or

27 (B) a similar plan adopted by a county in which

1 the municipality is located or the state.

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

8 (e) If a municipal authority responsible for approving
9 plats fails or refuses to approve a plat that meets the requirements
10 of this subchapter, the owner of the tract that is the subject of
11 the plat may bring an action in a district court in a county in which
12 the tract is located for a writ of mandamus to compel the municipal
13 authority to approve the plat by issuing to the owner applicable
14 approval documentation. The prevailing party may recover
15 reasonable and necessary attorney's fees and court costs in the
16 action.

17 SECTION 7. As soon as practicable after the effective date
18 of this Act but not later than January 1, 2024, each municipality
19 shall adopt and publish the list described by Section 212.0081,
20 Local Government Code, as added by this Act.

21 SECTION 8. The changes in law made by this Act apply only to
22 an application submitted on or after the effective date of this Act.
23 An application submitted before the effective date of this Act is
24 governed by the law applicable to the application immediately
25 before the effective date of this Act, and that law is continued in
26 effect for that purpose.

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

ADOPTED

By: Paul Bellerose

MAY 21 2023

H.B. No. 3699

Substitute the following for Section 212.0021 .B. Now _____ :

By: Alan Parker

Lately
Secretary of the Senate

C.S.H.B. No. 3699

A BILL TO BE ENTITLED

AN ACT

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relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

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

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

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

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

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

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

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with

1 groundwater that presents an actual or potential threat to human
2 health. However, unless otherwise authorized by state law, in its
3 extraterritorial jurisdiction a municipality shall not regulate,
4 either directly or indirectly:

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

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

9 (3) the size of a building that can be constructed on a
10 particular tract of land, including without limitation any
11 restriction on the ratio of building floor space to the land square
12 footage;

13 (4) the minimum size of a lot, dimensions of a lot,
14 minimum width of a lot frontage, minimum distance a lot must be set
15 back from a road or property line, or another component of lot
16 density on a particular tract of land;

17 (5) the number of residential units that can be built
18 per acre of land; or

19 (6) [(5)] the size, type, or method of construction of
20 a water or wastewater facility that can be constructed to serve a
21 developed tract of land if [+

22 [(A)] the facility meets the minimum standards
23 established for water or wastewater facilities by state and federal
24 regulatory entities [~~+~~ and

25 [(B) the developed tract of land is:

26 [(i) located in a county with a population
27 of 2.8 million or more; and

- 1 (b) To be recorded, the plat must:
- 2 (1) describe the subdivision by metes and bounds;
- 3 (2) locate the subdivision with respect to a corner of
- 4 the survey or tract or an original corner of the original survey of
- 5 which it is a part; and
- 6 (3) state the dimensions of the subdivision and of
- 7 each street, alley, square, park, or other part of the tract
- 8 intended by the owner of the tract to be dedicated to public use or
- 9 for the private use of purchasers or owners of lots fronting on or
- 10 adjacent to the street, alley, square, park, or other part to be
- 11 maintained by the purchasers or owners of those lots.

12 SECTION 4. Section 212.005, Local Government Code, is

13 amended to read as follows:

14 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The

15 municipal authority responsible for approving plats must approve a

16 plat or replat that is required to be prepared under this subchapter

17 and that satisfies the requirements of this subchapter [~~all~~

18 ~~applicable regulations~~].

19 (b) This subchapter may not be construed to convey any

20 authority to a municipality regarding the completeness of an

21 application or the approval of a plat or replat that is not

22 explicitly granted by this subchapter.

23 SECTION 5. Subchapter A, Chapter 212, Local Government

24 Code, is amended by adding Section 212.0081 to read as follows:

25 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each

26 municipality shall adopt and make available to the public a

27 complete, written list of all documentation and other information

1 that the municipality requires to be submitted with a plat
2 application. The required documentation and other information must
3 be related to a requirement authorized under this subchapter.

4 (b) A plat application submitted to the municipal authority
5 responsible for approving plats that contains all documents and
6 other information on the list provided under Subsection (a) is
7 considered complete.

8 (c) A municipality that operates an Internet website shall
9 publish and continuously maintain the list described by Subsection
10 (a) on the Internet website not later than the 30th day after the
11 date the municipality adopts or amends the list.

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

15 (1) a newspaper of general circulation in the
16 municipality; and

17 (2) a public place in the location in which the
18 governing body of the municipality meets.

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

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

24 (1) both:

25 (A) the applicant requests the extension in
26 writing to the municipal authority responsible for approving plats
27 or the governing body of the municipality, as applicable; and

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

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

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

8 (c) The municipal authority responsible for approving plats
9 may not require the dedication of land within a subdivision for a
10 future street or alley that is:

11 (1) not intended by the owner of the tract; and

12 (2) not included, funded, and approved in:

13 (A) a capital improvement plan adopted by the
14 municipality; or

15 (B) a similar plan adopted by a county in which
16 the municipality is located or the state.

17 (d) A municipal authority responsible for approving plats
18 may not refuse to review a plat or to approve a plat for recordation
19 for failure to identify a corridor, as defined by Section 201.619,
20 Transportation Code, unless the corridor is part of an agreement
21 between the Texas Department of Transportation and a county in
22 which the municipality is located under that section.

23 (e) If a municipal authority responsible for approving
24 plats fails or refuses to approve a plat that meets the requirements
25 of this subchapter, the owner of the tract that is the subject of
26 the plat may bring an action in a district court in a county in which
27 the tract is located for a writ of mandamus to compel the municipal

1 authority to approve the plat by issuing to the owner applicable
2 approval documentation. The prevailing party may recover
3 reasonable and necessary attorney's fees and court costs in the
4 action.

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

9 SECTION 9. The changes in law made by this Act apply only to
10 an application submitted on or after the effective date of this Act.
11 An application submitted before the effective date of this Act is
12 governed by the law applicable to the application immediately
13 before the effective date of this Act, and that law is continued in
14 effect for that purpose.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 22, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3699 by Wilson (Relating to municipal 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 municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and plats, as would be amended by the bill.

Source Agencies:

LBB Staff: JMc, SD, AF, CMA, 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: HB3699 by Wilson (relating to municipal 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 municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and 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: HB3699 by Wilson (Relating to municipal 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 municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and 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: **HB3699** by Wilson (relating to municipal 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 municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and 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: HB3699 by Wilson (Relating to municipal 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 municipalities related to the regulation of subdivisions and approval procedures for subdivision plans and plats, as would be amended by the bill.

Source Agencies:

LBB Staff: JMc, AF, CMA, NTh