

House Bill 3699
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

SENATE VERSION (CS)

SECTION 1. Same as House version.

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

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

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- (2) the bulk, height, or number of buildings constructed on a particular tract of land;
- (3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
- (4) the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land;
- ~~(5)~~ the number of residential units that can be built per acre of land; or
- (6) ~~[(5)]~~ the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:
 - ~~[(A)]~~ the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities~~]; and~~
 - ~~[(B)]~~ the developed tract of land is:
 - ~~[(i)]~~ located in a county with a population of 2.8 million or more; and
 - ~~[(ii)]~~ served by:
 - ~~[(a)]~~ on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or
 - ~~[(b)]~~ on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water].

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

SECTION 3. Same as House version.

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(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 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 must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:

- (1) describe the subdivision by metes and bounds;
- (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
- (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part 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 street, alley, square, park, or other part to be maintained by the purchasers or owners of those lots.

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

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies the requirements of this subchapter [all applicable regulations]. (b) This subchapter may not be construed to convey any authority to a municipality regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by this subchapter.

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

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality to which this subchapter applies shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter. (b) An application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete. (c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

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SECTION 4. Same as House version.

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

Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each municipality shall adopt and make available to the public a complete, written list of all documentation and other information that the municipality requires to be submitted with a plat application. The required documentation and other information must be related to a requirement authorized under this subchapter. (b) A plat application submitted to the municipal authority responsible for approving plats that contains all documents and other information on the list provided under Subsection (a) is considered complete. (c) A municipality that operates an Internet website shall publish and continuously maintain the list described by Subsection (a) on the Internet website not later than the 30th day after the date the municipality adopts or amends the list.

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

- (1) a newspaper of general circulation in the municipality;
and
- (2) a public place in the location in which the governing body of the municipality meets.

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

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

- (1) both:
 - (A) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and
 - (B) [~~(2)~~] the municipal authority or governing body, as applicable, approves the extension request; or
- (2) Chapter 2007, Government Code, requires the municipality to perform a takings impact assessment in connection with the plan or plat.

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

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

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

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

- (1) a newspaper of general circulation in the municipality;
and
- (2) a public place in the location in which the governing body of the municipality meets.

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SECTION 7. Same as House version.

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

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

or

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

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

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

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

SECTION 8. The changes in law made by this Act apply only to an application submitted on or after the effective date

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SECTION 8. Same as House version.

SECTION 9. Same as House version.

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of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

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

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