

BILL ANALYSIS

Senate Research Center
89R4185 DRS-F

S.B. 325
By: Perry
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 88th Regular Session of the Texas Legislature, H.B. 3697 made sweeping changes to the Local Government Code relating to the plat application process. Technical corrections made to the bill during the last stage of passage deleted certain language in Chapter 232, Local Government Code, relating to improvements in a private community intended for use only by residents of the community.

These changes had the unintended effect of broadening two exceptions to the plat application requirement contained in another part of the Local Government Code beyond their intended scopes because those exceptions contained references to the section in which the deleted language was originally included. Since that time, developers have taken advantage of the broadened exceptions to altogether circumvent the plat application process—and the associated groundwater availability certification requirement—when developing new subdivisions.

S.B. 325 adds the deleted language into the exceptions themselves—not into the section in which it was originally included—restoring the exceptions back to their original scope without undoing any of the intended effects of H.B. 3697. Accordingly, S.B. 325 will close the loophole H.B. 3697 inadvertently created.

As proposed, S.B. 325 amends current law relating to county regulation of subdivisions and approval of subdivision plans or plats.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 232.0015(c) and (f), Local Government Code, as follows:

(c) Prohibits a county from requiring the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if certain criteria are met, including if the owner does not lay out certain parts of the tract, including one or more streets, alleys, squares, parks, or other parts of the tract intended for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. Makes nonsubstantive changes.

(f) Makes conforming and nonsubstantive changes to this subsection.

SECTION 2. Amends Section 35.019(a), Water Code, to authorize the commissioners court of a county in a priority groundwater management area, notwithstanding Section 232.001(h) (relating to prohibiting the commissioners court or the county authority responsible for approving plats from requiring certain items to be included in or as part of an application for a plat), Local Government Code, to adopt water availability requirements in an area where platting is required under certain circumstances.

SECTION 3. Effective date: September 1, 2025.