

BILL ANALYSIS

Senate Research Center

S.B. 2370
By: Hughes
Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2370 amends current law relating to the procedure for approval of certain land development applications by a political subdivision.

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 Section 212.009, Local Government Code, by amending Subsections (a) and (b) and adding Subsections (c-1), (f), (g), (h), and (i), as follows:

(a) Requires the municipal authority responsible for approving plats to approve or disapprove, rather than act on, a plat within 30 days after the date the plat is filed. Provides that a plat is considered approved by the municipal authority unless it is disapproved within that period and in accordance with Subsection (c-1)(1).

(b) Makes conforming changes to this subsection.

(c-1) Provides that if a plat is disapproved:

(1) the municipal authority or governing body of the municipality, as applicable, is required to provide the applicant a written statement of the reasons for disapproval that is provided with the notice of disapproval and lists each reason for the disapproval, which is required to be related to the requirements under this subchapter (Regulation of Subdivisions) and not be arbitrary or intended to delay approval; and

(2) the applicant is authorized to submit a written response to the municipal authority or governing body of the municipality, as applicable, that remedies each reason for disapproval.

(f) Requires a municipal authority or the governing body of a municipality, as applicable, to determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the municipal authority or governing body, as applicable, receives the applicant's response.

(g) Requires a municipal authority or the governing body of a municipality, as applicable, to approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval. Provides that, if the authority or governing body disapproves a response, the authority or governing body:

(1) is required to comply with Subsection (c-1)(1); and

(2) is authorized to disapprove only for a reason provided to the applicant for the original application under Subsection (c-1)(1).

(h) Provides that a previously disapproved plat application is considered approved if:

(1) the applicant filed a response that meets the requirements of Subsection (g); and

(2) the municipal authority or governing body does not disapprove the application on or before the date required by Subsection (f) and in accordance with Subsection (g).

(i) Provides that this section applies to a municipality regardless of whether the municipality has entered into an interlocal agreement.

SECTION 2. Amends Section 232.0025, Local Government Code, by amending Subsections (d), (e), (f), and (i) and adding Subsections (g-1), (g-2), (g-3), and (j), as follows:

(d) Requires the commissioners court or the court's designee, except as provided by Subsection (f), to approve or disapprove a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is filed with the commissioners court or the court's designee, rather than requires the commissioners court or the court's designee, except as provided by Subsection (f), to take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the commissioners court or the court's designee. Provides that a plat is considered approved by the commissioners court or the court's designee unless it is disapproved within that period and in accordance with Subsection (e)(1).

(e) Provides that if the commissioners court or the court's designee disapproves a plat application:

(1) the commissioners court or the court's designee is required to provide the applicant with a written statement of the reasons for the disapproval that is provided with the notice of disapproval and lists each reason for the disapproval, which is required to be related to the applicable requirements under this subchapter and not be arbitrary or intended to delay approval, rather than the applicant is required to be given a complete list of reasons for the disapproval; and

(2) the applicant is authorized to submit a written response to the commissioners court or the court's designee that remedies each reason for disapproval.

(f) Provides that the 60-day period under Subsection (d):

(1) is authorized to be extended for a total of 30 days, rather than is authorized to be extended for a reasonable period, if:

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) Chapter 2007 (Governmental Action Affecting Private Property Rights), Government Code, requires the county to perform a takings impact assessment in connection with a plat application, rather than may be extended 60 additional days if Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with a plat application; and

(2) redesignates existing text of Subdivision (3) as Subdivision (2) and makes no further changes to this subdivision. Creates Subdivision (1)(B) from existing Subdivision (2).

(g-1) Requires the commissioners court of a county or the court's designee to determine whether to approve an applicant's previously disapproved plat application not later than the 30th day after the date the commissioners court or the court's designee receives the applicant's response.

(g-2) Requires the commissioners court of a county or the court's designee to approve a previously disapproved plat application if the applicant's response adequately addresses each reason for the disapproval. Provides that, if the commissioners court or the court's designee disapproves a response, the commissioners court or the court's designee is required to comply with Subsection (e)(1) and is authorized to disapprove only for a reason provided to the applicant for the original application under Subsection (e)(1).

(g-3) Provides that a previously disapproved plat application is considered approved if the applicant filed a response that meets the requirements of Subsection (g-2) and the commissioners court or the court's designee does not disapprove the application on or before the date required by Subsection (g-1) and in accordance with Subsection (g-2).

(i) Provides that, if the commissioners court or the court's designee fails to comply with Subsection (d), (e), (g-1), or (g-2), rather than providing that if the commissioners court or the court's designee fails to take final action on the plat as required by Subsection (d), certain actions apply.

(j) Provides that this section applies to a county regardless of whether the county has entered into an interlocal agreement.

SECTION 3. Amends Chapter 245, Local Government Code, by adding Section 245.0025, as follows:

Sec. 245.0025. DEVELOPMENT PERMIT APPLICATION APPROVAL PROCEDURE. (a) Requires a political subdivision that adopts a permit regulation requiring regulatory agency approval for proposed land development to determine whether to approve or disapprove the development application not later than the 60th day after the date the application is filed with the agency. Provides that an application is considered approved by the agency unless the agency disapproves of the application in that period and in accordance with Subsection (b)(1).

(b) Provides that if a land development application under Subsection (a) is disapproved:

(1) the regulatory agency is required to provide the applicant a written statement of the reasons for disapproval that is provided with the notice of disapproval and lists each reason for the disapproval, which is required to be related to the requirements of the permit regulation and not be arbitrary or intended to delay approval; and

(2) the applicant is authorized to submit a written response to the agency that remedies each reason for disapproval.

(c) Requires a regulatory agency to determine whether to approve an applicant's previously disapproved development application not later than the 30th day after the date the application was filed. Provides that, if the agency disapproves a response, the agency:

(1) is required to comply with Subsection (b)(1); and

(2) is authorized to disapprove only for a reason provided to the applicant for the original application under Subsection (b)(1).

(d) Requires a regulatory agency to approve a previously disapproved development application if the applicant's response adequately addresses each reason for the disapproval.

(e) Provides that a previously disapproved development application is considered approved if:

(1) the applicant filed a response that meets the requirements of Subsection (d); and

(2) the regulatory agency does not disapprove the application on or before the date required by Subsection (c) and in accordance with Subsection (d).

(f) Provides that this section applies to a political subdivision regardless of whether the political subdivision has entered into an interlocal agreement.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2019.