

BILL ANALYSIS

Senate Research Center
88R2516 SCL-F

S.B. 494
By: Hughes
Local Government
3/8/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 86th Legislature passed H.B. 3167, which was brought forth in response to concerns raised by stakeholders that some local governments in Texas had been failing to adhere to the state's established statutory timelines for approving certain types of land development applications. That legislation was intended to provide certainty regarding these timelines. However, since the enactment, there are indications that some municipalities and counties may have issued new policies and criteria for land development applications that fail to adhere to the legislation's intent.

S.B. 494 seeks to address this issue and provide better clarity by amending the procedure for approving certain land development applications by a municipality or county.

As proposed, S.B. 494 amends current law relating to approval of certain land development applications by a municipality or county.

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 adding Subsection (a-1), as follows:

(a-1) Prohibits a municipal planning commission or the governing body of the municipality, unless specifically authorized by another law of this state, from requiring a person to fulfill any prerequisites or conditions or obtain any approvals before the person files a copy of the plan or plat with the municipal planning commission or governing body, delaying the starting date for calculating any applicable timeframe under Chapter 212 (Municipal Regulation of Subdivisions and Property Development) to approve or disapprove a plan or plat by not considering the date the plan or plat was filed as the starting date, or refusing to accept, acknowledge, process, or act on a filed copy of the plan or plat.

SECTION 2. Amends the heading to Section 232.00285, Local Government Code, to read as follows:

Sec. 232.00285. APPROVAL PROCEDURE: LIMITATIONS ON COUNTY AUTHORITY.

SECTION 3. Amends Section 232.00285, Local Government Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the commissioners court of a county or the court's designee, unless specifically authorized by another law of this state, from requiring a person to submit or obtain approval of any documentation or other information or fulfill any other prerequisites or conditions before the person submits a plat application to the

commissioners court or the court's designee, delaying the starting date for calculating any applicable timeframe under Chapter 232 (County Regulation of Subdivisions) to approve or disapprove the plat application by not considering the date the application was filed as the starting date, or refusing to accept, acknowledge, process, or act on a submitted or received plat application.

SECTION 4. Provides that Section 212.009(a-1), Local Government Code, as added by this Act, applies only to a plan or plat filed on or after the effective date of this Act.

SECTION 5. Provides that Section 232.00285(a-1), Local Government Code, as added by this Act, applies only to a plat application submitted on or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2023.