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LEGISLATIVE ALERT

What: HB 4447 by Oliverson –
Hearing – House Committee on Land & Resource Mgmt.

When: April 20, 2021 at 8 a.m.

Location: Room E2.010 in the Capital Annex

Bill Summary:

HB 4447 proposes to amend Chapter 212, Municipal Regulation of Subdivision and Property Development and Chapter 232, County Regulation of Subdivisions adding even more restrictions to those placed on plat and plan approvals in 2019. It would prohibit a municipality or county from requiring submission or approval of a “required planning document” before the plan or plat can be submitted.

- The broad definition of “Required Planning Documents” would include drainage studies, traffic impact analysis, and federal permits such as FEMA Conditional Letters of Map Revision (CLOMR).
- The 30-day action time limits would also apply to any actions required for those studies but only allow approval or denial (no conditional approvals).
- Plats/plans could be “conditionally” approved pending completion of required planning documents but subject to the 15-day re-approval process.
- It would also mandate a "bifurcated" approval process.

Link to Bill Text:

<https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=87R&Bill=HB3519>

APATX Analysis:

- This bill follows complaints by HB 3167’s sponsors to the Attorney General that various studies, analyses and permits were required to be submitted and approved by cities and counties prior to application for a plan or plat approval.
- There were complaints that agencies were using existing statutes in CH 245 of the TLGC to require “complete” applications prior to submission.
- The bill as proposed would mandate additional, “one-size-fits-all” limitations to fix problems with their original HB 3167.
- It fails to recognize that most cities and counties in Texas want economic development and growth, working closely with the development community.
- As written, there is still a fundamental misunderstanding of the complexities of the plat approval process. A rigid time frame of approvals does not accommodate complex developments with public/private partnerships, public improvement financing assistance and the federal and state approvals often involved.

- To approve a plat conditionally subject to drainage studies, TIA's or a CLOMR approval by FEMA six months after plat approval will not work for many developments. Those studies often dictate what land can be developed into lots or the addition of drainageways or roadways. The plat will have to be revised, either losing lots or opportunities for more lots, further delaying the project.
- A survey of Texas cities by APATX in 2020 showed that the rigid time frames for approvals under HB 3167 have caused more problems for developers and their consultants than cities.
- Requiring studies prior to submission is a direct result HB 3167's mandate to take action on plans/plats in 30/60 days. Previously, studies and outside permitting processes often ran concurrently with subdivision plan and plat reviews and approvals, resulting in shorter approval processes.
- APATX could support amendments addressing the problems now being encountered by private developers, property owners, cities and counties in the application of HB 3167 and CH 212 and CH 232 in general.
 - Allow the development community the option of working with cities and counties on alternative review and approval processes rather than penalize them with only "one extension" allowed.
 - In the ETJ allow "compromise" platting requirements by cities and counties, reflecting the new annexation statutes and rural character of some subdivisions.
 - Give cities and counties the option of adopting "administrative approvals" for all plats that meet the requirements, not just minor or amending plats, speeding up approvals and reducing workloads.
 - Exempt "MUST APPROVE" plats from 2019 HB 2480 citizen comment provisions requiring "public comment" on any agenda item allowing angry neighborhoods to "hijack" approval of plats.

APATX Position:

HB 4447, as written, further penalizes cities, counties, developers, their consultants and property owners by adding even more limitations to an already dysfunctional, one-size-fits-all, mandatory time frame for approvals. We have been advised that a committee substitute has been drafted which is even worse, though we have not been provided a copy. APATX recommends this bill, as written or with the proposed substitution language, be opposed by cities, counties, developers, their consultants and large property owners planning on working with cities and counties to develop their property.

Action Needed:

- In person testimony – Please coordinate with Chris J. Sanchez at Salient Strategies at chris@salientstrategiestx.com, or text at 832.264.0503. He can brief you, help with testimony and let you know who else will testify. Call or text him if you have an issue during the hearing.
- Letters and testimony of opposition - need to be emailed ASAP to the Land and Resource Committee at

<https://comments.house.texas.gov/home?c=c360>

House Land and Resource Management Committee

Member Links

Contact Information: (Links below allow direct submission of positions to members in advance)

- Chair:** [Joe Deshotel \(22nd\)](#)
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David Spiller	Jacksboro
Shawn Thierry	Houston

Testimony should be addressed to:

The Honorable Joe Deshotel
 Chair, House Committee on Land & Resource Management
 P.O. Box 2910
 Austin, TX 78768

Dear Chairman Deshotel:

Link to provide written letter and testimony to the Committee Hearing:

<https://comments.house.texas.gov/home?c=c360>