

1-1 By: Cyrier (Senate Sponsor - Buckingham) H.B. No. 1475  
 1-2 (In the Senate - Received from the House May 10, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on Local  
 1-4 Government; May 22, 2021, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to municipal board of adjustment zoning variances based on  
 1-20 unnecessary hardship.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 211.009, Local Government Code, is  
 1-23 amended by adding Subsection (b-1) to read as follows:

1-24 (b-1) In exercising its authority under Subsection (a)(3),  
 1-25 the board may consider the following as grounds to determine  
 1-26 whether compliance with the ordinance as applied to a structure  
 1-27 that is the subject of the appeal would result in unnecessary  
 1-28 hardship:

1-29 (1) the financial cost of compliance is greater than  
 1-30 50 percent of the appraised value of the structure as shown on the  
 1-31 most recent appraisal roll certified to the assessor for the  
 1-32 municipality under Section 26.01, Tax Code;

1-33 (2) compliance would result in a loss to the lot on  
 1-34 which the structure is located of at least 25 percent of the area on  
 1-35 which development may physically occur;

1-36 (3) compliance would result in the structure not being  
 1-37 in compliance with a requirement of a municipal ordinance, building  
 1-38 code, or other requirement;

1-39 (4) compliance would result in the unreasonable  
 1-40 encroachment on an adjacent property or easement; or

1-41 (5) the municipality considers the structure to be a  
 1-42 nonconforming structure.

1-43 SECTION 2. Section 211.009(b-1), Local Government Code, as  
 1-44 added by this Act, applies only to an appeal filed with a municipal  
 1-45 board of adjustment on or after the effective date of this Act.

1-46 SECTION 3. This Act takes effect September 1, 2021.

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