

BILL ANALYSIS

H.B. 2212
By: Mowery
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law prohibits a municipality that annexes land from changing the land use of the area as it existed prior to annexation. There is no similar provision that applies to newly-incorporated areas.

H.B. 2212 extends the uniform protections to newly-incorporated areas as those that are enjoyed by newly-annexed areas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 211, Local Government Code by adding new Section 211.016 as follows:

Prohibits a municipality incorporated after January 1, 2003 from doing the following:

Prohibiting a person from continuing to use their land in the area in the manner in which the land was being used when the municipality was incorporated (if the use was legal at the time).

Prohibiting a person from beginning to use the land in the area in the manner that was planned before the 90th day before the effective date of the incorporation if one or more licenses, permits, etc. were authorized by a governmental entity and a completed application for the initial authorization was filed before incorporation.

Requires a "completed application" to include all documents and other information designated as required by the governmental entity in written notice to the applicant.

Exempts the following municipal regulations from the prohibition:

Regulations relating to location of sexually oriented business.

Regulations affecting colonias.

Regulations relating to preventing imminent destruction or property or injury to persons.

Regulations relating to public nuisances.

Regulations relating to flood control.

Regulations relating to the storage and use of hazardous substances.

Regulations relating to the sale and use of fireworks.

Regulations relating to the discharge of firearms.

SECTION 2. Effective date.

EFFECTIVE DATE

September 1, 2003 unless the Act receives the vote necessary for immediate effect.