

BILL ANALYSIS

S.B. 1937
By: Armbrister
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some municipalities require landowners to pay, as a precondition to approval of a development project, the entire cost of the infrastructure improvements for a project including those improvements that only indirectly benefit the developer. As a result, many projects that would have otherwise been developed become cost prohibitive.

S.B. 1937 would limit the amount of infrastructure costs a municipality could charge a developer to that portion of the infrastructure costs directly attributable to the proposed development. The bill seeks to promote infrastructure improvements while not unfairly burdening landowners wishing to develop their property. S.B. 1937 limits the amount of infrastructure costs a municipality may charge a developer to that portion of the infrastructure costs directly attributable to the proposed development.

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

SECTION1. Amends Subchapter Z, Chapter 212, Local Government Code, to add Section 212.904 as follows:

Prohibits a municipality from charging a developer for infrastructure costs an amount that exceeds the amount required for infrastructure improvements that are directly attributable to the proposed development as certified by a professional engineer who works for the municipality.

Authorizes a developer that disputes the certification to appeal to the municipality for a determination.

Authorizes a developer to appeal the determination of a municipality to county or district court.

Prohibits a municipality from requiring a developer to waive its right of appeal as a condition for issuing consent for a development project.

SECTION 2. Effective date.

Act prospective.

EFFECTIVE DATE

September 1, 2003, or immediately if it receives the requisite number of votes.