

## **BILL ANALYSIS**

Senate Research Center  
78R13864 DRH-D

C.S.S.B. 1937  
By: Armbrister  
Intergovernmental Relations  
5/5/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, some municipalities require developers to pay, as a precondition to approval of a development project, the entire cost of the infrastructure improvements for a project including those improvements which only indirectly benefit the developer. As a result, certain projects which could have otherwise been developed become cost prohibitive. C.S.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**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 212, Local Government Code, by adding Section 212.904, as follows:

Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS. (a) Prohibits the developer's portion of the costs of municipal infrastructure improvements, if a municipality requires as a condition of approval for a development project that the developer bear a portion of such costs, from exceeding the amount required for infrastructure improvements that are directly attributable to the proposed development as certified by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

(b) Authorizes a developer that disputes the certification made under Subsection (a) to appeal to the governing body of the municipality. Authorizes the developer, at the appeal, to present evidence and testimony under procedures adopted by the governing body. Requires the governing body, after hearing any testimony and reviewing the evidence, to make a determination.

(c) Authorizes a developer to appeal the determination of the governing body to a county or district court of the county in which the development project is located.

(d) Prohibits a municipality from requiring a developer to waive the right of appeal authorized by this section as a condition of issuing consent for a development project.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2003.