

AN ACT

relating to the exemptions from requirements applicable to local permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 245.004, Local Government Code, is amended to read as follows:

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) municipal zoning regulations that do not affect lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;

(3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect lot size, lot dimensions, lot coverage, or building size;

- 1           (4) regulations for sexually oriented businesses;
- 2           (5) municipal or county ordinances, rules,
- 3 regulations, or other requirements affecting colonias;
- 4           (6) fees imposed in conjunction with development
- 5 permits;
- 6           (7) regulations for annexation;
- 7           (8) regulations for utility connections;
- 8           (9) regulations to prevent imminent destruction of
- 9 property or injury to persons from flooding that are [~~including~~
- 10 ~~regulations~~] effective only within a flood plain established by a
- 11 federal flood control program and enacted to prevent the flooding
- 12 of buildings intended for public occupancy; [~~or~~]
- 13           (10) construction standards for public works located
- 14 on public lands or easements; or
- 15           (11) regulations to prevent the imminent destruction
- 16 of property or injury to persons if the regulations do not:
- 17                 (A) affect lot size, lot dimensions, lot
- 18 coverage, building size, residential or commercial density, or the
- 19 timing of a project; or
- 20                 (B) change development permitted by a
- 21 restrictive covenant required by a municipality.

22           SECTION 2. This section applies only to a project, as

23 defined by Chapter 245, Local Government Code, in progress on the

24 date a water district or authority with regional management and

25 regulatory authority over groundwater withdrawals within all or

26 part of at least five counties adopts any rule requiring a permit or

27 authorization for a project to improve or develop land. A project

1 is considered in progress if a permit or other form of authorization  
2 establishing vested rights for the project pursuant to Chapter 245,  
3 Local Government Code, was in effect in the area of the authority's  
4 jurisdiction as of the rule's adoption date, whether before, on, or  
5 after the effective date of this Act. A district or authority may  
6 not impose permit requirements on or otherwise regulate a project  
7 in progress as described by this section. This section supersedes  
8 any other applicable law to the extent of any conflict.

9       SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2003.

H.B. No. 2130

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2130 was passed by the House on May 1, 2003, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2130 on May 26, 2003, by the following vote: Yeas 79, Nays 51, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2130 was passed by the Senate, with amendments, on May 23, 2003, by the following vote: Yeas 29, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor