

By: Armbrister

S.B. No. 1937

A BILL TO BE ENTITLED

AN ACT

relating to the apportionment of municipal infrastructure improvement costs to developers.

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

SECTION 1. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.904 to read as follows:

Sec. 212.904. COSTS OF MUNICIPAL INFRASTRUCTURE IMPROVEMENTS. (a) If a municipality requires as a condition of approval for a development project that the developer bear a portion of the costs of municipal infrastructure improvements, the developer's portion of those costs may not exceed the amount required for infrastructure improvements that are directly attributable to the proposed development, as certified by a registered professional engineer retained by the municipality.

(b) If the developer disputes the municipality's certification of directly attributable costs, then the developer may appeal the decision to the governing body of the municipality. At such appeal, the developer shall be permitted to present evidence and testimony under rules prescribed by the governing body. The governing body shall determine the costs directly attributable to the proposed development.

(c) The developer shall be permitted to appeal the governing body's decision to a court of competent jurisdiction.

(d) The municipality may not, as a condition of issuing

1 necessary consent for a development project, require that the
2 developer waive its right to appeal the municipality's
3 certification.

4 SECTION 2. (a) This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2003.

9 (b) The change in law made by this Act applies only to
10 municipal approval of a development project that occurs on or after
11 the effective date of this Act.