

By: Talton

H.B. No. 1835

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the apportionment of municipal infrastructure costs in  
3 regard to certain property development projects.

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

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

7 Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE  
8 COSTS. (a) If a municipality requires as a condition of approval  
9 for a property development project that the developer bear a  
10 portion of the costs of municipal infrastructure improvements  
11 beyond the municipality's minimum adopted standards for on-site  
12 development, the developer's portion of the costs may not exceed  
13 the amount required for infrastructure improvements that are  
14 roughly proportionate to the proposed development as approved by a  
15 professional engineer who holds a license issued under Chapter  
16 1001, Occupations Code, and is retained by the municipality.

17 (b) A developer who disputes the determination made under  
18 Subsection (a) may appeal to the governing body of the  
19 municipality. At the appeal, the developer may present evidence  
20 and testimony under procedures adopted by the governing body.  
21 After hearing any testimony and reviewing the evidence, the  
22 governing body shall make the applicable determination.

23 (c) A developer may appeal the determination of the  
24 governing body to a county or district court of the county in which

1 the development project is located.

2 (d) A municipality may not require a developer to waive the  
3 right of appeal authorized by this section as a condition of  
4 approval for a development project.

5 (e) A developer who prevails in an appeal under this section  
6 is entitled to applicable costs and to reasonable attorney's fees,  
7 including expert witness fees.

8 (f) This section does not diminish the authority or modify  
9 the procedures specified by Chapter 395, Local Government Code.

10 SECTION 2. The change in law made by this Act applies only  
11 to municipal approval of a development project that occurs on or  
12 after the effective date of this Act.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2005.