

By: Riddle

H.B. No. 2270

A BILL TO BE ENTITLED

AN ACT

relating to the notification of persons affected by a construction project.

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

SECTION 1. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. NOTIFICATION OF CONSTRUCTION PROJECT

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Project" means the construction of a facility or other improvement to real property for which a political subdivision enters into a contract or requires a person to obtain a permit.

(2) "Sponsor" means a political subdivision that enters into a contract for the construction of a project or issues a permit required for the construction of a project.

Sec. 247.002. PERSONS AFFECTED BY PROJECT. A political subdivision by order or ordinance shall determine which persons are considered affected by a project. In making the determination, a political subdivision shall consider whether:

(1) a person resides or owns property near the property on which the facility or improvement will be constructed;

(2) a person's safety will be adversely affected by the construction;

(3) the value of a person's property may be adversely

1 affected by the construction;

2 (4) a person's business may be adversely affected by
3 the construction; and

4 (5) a person may be adversely affected by
5 environmental changes, including air, water, or noise pollution,
6 caused by the construction.

7 Sec. 247.003. NOTICE TO AFFECTED PERSONS. (a) Except as
8 provided by Subsection (b), a sponsor shall give notice by mail to
9 each person considered affected by a project under Section 247.002
10 before the construction begins.

11 (b) A sponsor may require the person to whom the sponsor
12 issues a permit or with whom the sponsor contracts for the
13 construction to provide the required notice under this section.

14 Sec. 247.004. INJUNCTION. A person who is not given notice
15 of a project may bring suit in district court to enjoin the
16 construction of a project until the sponsor gives notice to each
17 person who is entitled to notice under Section 247.003 or who
18 qualifies as an affected person under the criteria established by
19 the political subdivision under Section 247.002.

20 SECTION 2. Chapter 247, Local Government Code, as added by
21 this Act, applies only to construction for which a political
22 subdivision enters into a contract or issues a permit on or after
23 September 1, 2005. Construction for which a political subdivision
24 enters into a contract or issues a permit before September 1, 2005,
25 is governed by the law in effect when the contract was executed or
26 the permit was issued, and the former law is continued in effect for
27 that purpose.

1 SECTION 3. This Act takes effect September 1, 2005.