

BILL ANALYSIS

C.S.H.B. 2732
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for vested property development rights to accrue on the filing of an application that gives a city or county fair notice of a proposed project and the nature of the permit being sought. However, according to some interested parties, the term fair notice is ambiguous and subject to local interpretation. Since so many cities and counties are affected by this process, it is important that the meaning of the term fair notice be clarified in order to ensure that the law is applied in a uniform manner. C.S.H.B. 2732 seeks to address this issue by amending provisions relating to the application requirements for a local project permit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2732 amends the Local Government Code, in a provision establishing that rights to which a permit applicant is entitled under provisions of law relating to the issuance of local permits accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought, to specify such original document as a required original document and to specify that the fair notice is fair notice that is sufficient to enable a reasonably prudent person to understand the project and the nature of the permit sought.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2732 omits a provision included in the original defining "fair notice," for purposes of provisions of law relating to the issuance of local permits, to mean the minimum amount of information necessary to enable a reasonably prudent person to understand the general nature and objective of a project. The substitute instead amends a provision of law not amended in the original, establishing that rights to which a permit applicant is entitled under provisions of law relating to the issuance of local permits accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought, to specify such original document as a required original document and to specify that the fair notice is fair notice that is sufficient to enable a reasonably prudent person to understand the project and the nature of the permit sought.

C.S.H.B. 2732 omits a provision included in the original making the changes in law made by the bill applicable only to an application for a permit submitted for approval on or after the bill's effective date and establishing that an application for a permit submitted for approval before

such date is governed by the law in effect when the application was submitted and continuing the former law in effect for that purpose.