

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 23, 2011**

**TO:** Honorable Rene Oliveira, Chair, House Committee on Land & Resource Management

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB3190** by Oliveira (Relating to authorizing counties and municipalities to regulate land development; providing a penalty.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would add Subchapter B to Chapter 242 of the Local Government Code to authorize certain counties and municipalities to regulate residential land development, unless the tract of land is appraised as agricultural or open-space land by the appraisal district. A county or a municipality would be required to issue a building permit if certain requirements are met by the applicant and would be allowed to charge a reasonable building permit fee. The county or municipality would be required to deposit fees collected in an account in the general fund and dedicate the fees for administering the building permit program.

A county or municipality would be entitled to appropriate injunctive relief to prevent the violation or threatened violation of the entity's order or ordinance adopted relating to regulation of land development. A violation of a restriction or prohibition imposed by an order or ordinance would be a Class C misdemeanor which is punishable by a fine of not more than \$500. The bill also would establish exceptions to an offense for certain circumstances.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

**Local Government Impact**

Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact. Fees assessed may offset the costs of administering a building permit program as part of the land development regulation; therefore, no significant fiscal impact is anticipated.

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP