

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 4, 2011

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on International Relations & Trade

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

IN RE: SB1363 by Lucio (Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize a county or certain municipalities within 50 miles of an international border to regulate land development. A county or a municipality could regulate residential development including densities, height, building location and plans. A county or a municipality could issue building permits and collect a reasonable building permit fee.

A county or a municipality could seek injunctive relief for violations and would be entitled to appropriate injunctive relief to prevent the violation or threatened violation of the entity's order or ordinance adopted under this subchapter from continuing or occurring.

The bill would create a Class C misdemeanor for a violation. The bill would establish an exception to an offense if it is a low-income household constructed before the effective date of the bill, and a county or a municipality did not funds available to cure the violation. A Class C misdemeanor is punishable by a fine of not more than \$500.

Local Government Impact

There could be costs to a county or a municipality to regulate land development, but the amounts would vary depending on the amount of land available for development. In addition, a county or a municipality could issue a building permit and collect a fee that would offset some costs. It is assumed that a county or a municipality would regulate land development only if sufficient resources existed within the budget or it would not result in a negative fiscal 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.

Source Agencies:

LBB Staff: JOB, KM, TP