

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 5, 2013

TO: Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3513 by Guillen (Relating to a municipality's comprehensive development.), As
Introduced

No fiscal implication to the State is anticipated.

The bill would amend Chapter 211 of the Local Government Code to require that zoning regulations be adopted in accordance with a comprehensive plan which must designate uses for property that would allow the property to be sold or developed for those uses prior to the fifth anniversary of the date the plan is adopted.

The bill would add Subchapter C to require the governing body of a municipality to adopt a comprehensive plan for land use that details current and future land uses, and serves as a basis for making planning or zoning decisions. The municipality would be required to review its plan not less than every five years, and to appoint an advisory committee to make recommendations regarding the adoption, amendment, and review of the plan. The bill would establish the minimum requirements and procedures that a municipality and the advisory committee must fulfill.

A landowner may petition the governing body of the municipality to designate the land on the plan for a less intense use chosen by the landowner. If the governing body of a municipality fails or refuses to amend the plan in accordance with a landowner's petition, the landowner would be allowed to file suit against the municipality in district court to enforce the landowner's rights. A prevailing landowner would be allowed to recover reasonable attorney's fees, expert witness fees, and court costs.

The bill would repeal Section 213.005 of the Local Government Code.

Local Government Impact

There could be significant costs to a municipality to revise existing comprehensive plans that would be required to include designation for land use; however, the amounts would vary by municipality. A 3-year review could cost \$25,000 to \$100,000 per review; and added procedures could delay the process which may result in revenue losses.

In addition, there could be costs to a municipality that fails or refuses to amend a plan in accordance with a landowner's petition that would be required to pay reasonable attorney's fees, expert witness fees, and court costs if the landowner prevails in a suit; however, the amounts would vary depending on the number of suits filed by a landowner; whether a landowner

prevailed in a suit; and the amount of the attorney's and expert witness fees.

Source Agencies:

LBB Staff: UP, TP, SZ, SD