

By: Workman

H.B. No. 3624

A BILL TO BE ENTITLED

AN ACT

relating to the approval of certain municipal ordinances affecting private property rights at an election.

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

SECTION 1. Chapter 229, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. ELECTION REQUIRED FOR CERTAIN MUNICIPAL ORDINANCES AFFECTING PRIVATE PROPERTY RIGHTS

Sec. 229.101. APPLICABILITY OF OTHER LAW. The requirements for an ordinance under this subchapter are in addition to any other applicable requirements for the ordinance under other law.

Sec. 229.102. AUTHORITY TO ADOPT CERTAIN ORDINANCES. (a) Notwithstanding any other law, a municipality may not adopt an ordinance that affects private property rights and applies only to a defined area of the municipality unless the ordinance is approved at an election held in accordance with this subchapter.

(b) Subsection (a) does not apply to an ordinance affecting private property rights that applies to the whole municipality.

(c) For purposes of this section, an ordinance affects private property rights if the ordinance affects private property, in whole or in part, temporarily, or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the ordinance.

Sec. 229.103. RESOLUTION OF INTENTION TO ADOPT ORDINANCE.

1 The governing body of a municipality that proposes to adopt an
2 ordinance described by Section 229.102 must adopt a resolution that
3 includes:

4 (1) a statement of the municipality's intent to adopt
5 the ordinance;

6 (2) a detailed description and map of the area
7 affected by the ordinance; and

8 (3) a description in plain language of the effect of
9 the ordinance on private property rights in that area.

10 Sec. 229.104. NOTICE OF PROPOSED ORDINANCE. Not later than
11 the seventh day after the date the governing body of the
12 municipality adopts the resolution under Section 229.103, the
13 municipality must mail to each property owner in the area affected
14 by the proposed ordinance notification of the ordinance that
15 includes:

16 (1) notice that an election on the question of
17 approval of the ordinance will be held; and

18 (2) a description in plain language of the effect of
19 the ordinance on private property rights in that area.

20 Sec. 229.105. ELECTION PROCEDURES. (a) A municipality
21 adopting a resolution under Section 229.103 shall order an election
22 on the question of approving the proposed ordinance to be held on
23 the first uniform election date that falls on or after the 90th day
24 after the date the governing body of the municipality adopts the
25 resolution under Section 229.103.

26 (b) An election under this section must be held in the same
27 manner as general elections of the municipality. The municipality

1 shall pay for the costs of holding the election.

2 Sec. 229.106. RESULTS OF ELECTION. (a) Following an
3 election held under this subchapter, the municipality shall notify
4 the property owners of the area affected by the proposed ordinance
5 of the results of the election.

6 (b) If at the election held under this subchapter less than
7 two-thirds of the voters voting at the election approve the
8 proposed ordinance, the municipality may not adopt another
9 resolution under Section 229.103 to propose adoption of the same
10 ordinance before the first anniversary of the date the first
11 resolution was adopted.

12 (c) If at the election held under this subchapter at least
13 two-thirds of the voters voting at the election approve the
14 proposed ordinance, the municipality may adopt and enforce the
15 ordinance after:

16 (1) providing notice under Subsection (a); and

17 (2) conducting a public hearing at which the ordinance
18 may be adopted.

19 SECTION 2. This Act takes effect September 1, 2017.