

## **BILL ANALYSIS**

Senate Research Center  
86R22618 MP-F

H.B. 2497  
By: Cyrier et al. (Hughes)  
Business & Commerce  
5/20/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2497 amends current law relating to rules of and appeals to a municipal board of adjustment.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to municipal boards of adjustment in SECTION 1 (Section 211.008, Local Government Code) and SECTION 2 (Section 211.010, Local Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 211.008(e), Local Government Code, as follows:

(e) Requires the municipal board of adjustment by majority vote to adopt rules in accordance with any ordinance adopted under this subchapter (General Zoning Regulations) and with the approval of the governing body, rather than requiring the municipal board of adjustment by majority vote to adopt rules in accordance with any ordinance adopted under this subchapter.

SECTION 2. Amends Section 211.010, Local Government Code, by amending Subsections (a), (b), and (d) and adding Subsection (a-1), as follows:

(a) Authorizes any of the following persons, except as provided by Subsection (e) (relating to requiring the municipal board of adjustment by majority vote to adopt rules in accordance with any ordinance adopted under this subchapter), to appeal to the municipal board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project, rather than authorizing any of the following persons to appeal to the municipal board of adjustment a decision made by an administrative official:

(1)–(2) makes no changes to these subdivisions.

(a-1) Authorizes any of the following persons, except as provided by Subsection (e), to appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:

(1) a person who:

(A) filed the application that is the subject of the decision;

(B) is the owner or representative of the owner of the property that is the subject of the decision; or

(C) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) Requires the appeal to be filed not later than the 20th day after the date the decision is made, rather than requiring the appeal to be filed within a reasonable time as determined by the rules of the municipal board of adjustment.

(d) Requires the municipal board of adjustment to decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed, rather than requiring the municipal board of adjustment to decide the appeal within a reasonable time.

SECTION 3. (a) Makes application of Section 211.008(e), Local Government Code, as amended by this Act, prospective.

(b) Makes application of Section 211.010(a), Local Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2019.