

BILL ANALYSIS

C.S.H.B. 2497
By: Cyrier
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding which individuals are eligible to appeal certain municipal administrative decisions related to land development issues. It has been suggested that third-party appeals by an aggrieved party are being used to unnecessarily delay projects, triggering work stoppages and increasing project costs. C.S.H.B. 2497 seeks to address this issue by, among other things, specifying the individuals who may appeal certain decisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2497 amends the Local Government Code to restrict the decisions made by an administrative official for which certain persons may appeal to a municipal board of adjustment to a decision that is not related to a specific application, address, or project. The bill authorizes, except as otherwise provided, the following persons to appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:

- a person who filed the application that is the subject of the decision;
- a person who is the owner or representative of the owner of the property that is the subject of the decision;
- a person who 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
- any officer, department, board, or bureau of the municipality affected by the decision.

C.S.H.B. 2497 revises the requirement that an appeal be filed within a reasonable time as determined by the rules of the board of adjustment by specifying that the appeal instead must be filed not later than the 20th day after the date the decision is made. The bill revises the requirement that the board decide the appeal within a reasonable time by specifying that the appeal instead must be decided 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. The bill conditions a board of adjustment's adoption of rules on the approval of the governing body of the municipality.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2497 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute, with respect to the persons who are authorized to appeal to a board of adjustment a decision made by an administrative official, does not include provisions removing as such a person a person aggrieved by the decision and including as such an authorized person a person who filed an application that is the subject of the decision or who is the owner of property that is the subject of the decision. The substitute includes a provision specifying that the board decision that may be appealed by a person aggrieved by the decision or by any officer, department, board, or bureau of the municipality affected by the decision is a decision that is not related to a specific application, address, or project and includes a provision authorizing certain specified persons to appeal to the board a decision made by an administrative official that is related to a specific application, address, or project.

The substitute includes provisions that:

- change the time frame for filing an appeal;
- change the time frame for deciding an appeal; and
- condition a board of adjustment's adoption of rules on the approval of the governing body of the municipality.