By:  Cyrier, et al. (Senate Sponsor - Hughes) H.B. No. 2497

(In the Senate - Received from the House May 8, 2019; May 10, 2019, read first time and referred to Committee on Business & Commerce; May 20, 2019, reported favorably by the following vote: Yeas 8, Nays 0; May 20, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire                       X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to rules of and appeals to a municipal board of adjustment.

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

SECTION 1.  Section 211.008(e), Local Government Code, is amended to read as follows:

(e)  The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

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

(a)  Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:

(1)  a person aggrieved by the decision; or

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

(a-1)  Except as provided by Subsection (e), any of the following persons may 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)  The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made [~~within a reasonable time as determined by the rules of the board~~]. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(d)  The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall 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 [~~within a reasonable time~~].

SECTION 3.  (a) Section 211.008(e), Local Government Code, as amended by this Act, applies only to rules adopted by a municipal board of adjustment on or after the effective date of this Act.

(b)  Section 211.010(a), Local Government Code, as amended by this Act, applies only to an appeal based on a decision made by an administrative official on or after the effective date of this Act. An appeal based on a decision made by an administrative official before the effective date of this Act is governed by the law in effect on the date the decision was made, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2019.

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