

By: Cyrier, Israel, Cole, Rodriguez, Krause

H.B. No. 2497

A BILL TO BE ENTITLED

1 AN ACT
2 relating to rules of and appeals to a municipal board of adjustment.

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

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

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

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

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

- 20 (1) a person aggrieved by the decision; or
21 (2) any officer, department, board, or bureau of the
22 municipality affected by the decision.

23 (a-1) Except as provided by Subsection (e), any of the
24 following persons may appeal to the board of adjustment a decision

1 made by an administrative official that is related to a specific
2 application, address, or project:

3 (1) a person who:

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

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

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

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

13 (b) The appellant must file with the board and the official
14 from whom the appeal is taken a notice of appeal specifying the
15 grounds for the appeal. The appeal must be filed not later than the
16 20th day after the date the decision is made [~~within a reasonable~~
17 ~~time as determined by the rules of the board~~]. On receiving the
18 notice, the official from whom the appeal is taken shall
19 immediately transmit to the board all the papers constituting the
20 record of the action that is appealed.

21 (d) The board shall set a reasonable time for the appeal
22 hearing and shall give public notice of the hearing and due notice
23 to the parties in interest. A party may appear at the appeal
24 hearing in person or by agent or attorney. The board shall decide
25 the appeal at the next meeting for which notice can be provided
26 following the hearing and not later than the 60th day after the date
27 the appeal is filed [~~within a reasonable time~~].

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

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

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