

1-1 By: Cyrier, et al. (Senate Sponsor - Hughes) H.B. No. 2497
 1-2 (In the Senate - Received from the House May 8, 2019;
 1-3 May 10, 2019, read first time and referred to Committee on Business
 1-4 & Commerce; May 20, 2019, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 20, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to rules of and appeals to a municipal board of adjustment.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 211.008(e), Local Government Code, is
 1-22 amended to read as follows:

1-23 (e) The board by majority vote shall adopt rules in
 1-24 accordance with any ordinance adopted under this subchapter and
 1-25 with the approval of the governing body. Meetings of the board are
 1-26 held at the call of the presiding officer and at other times as
 1-27 determined by the board. The presiding officer or acting presiding
 1-28 officer may administer oaths and compel the attendance of
 1-29 witnesses. All meetings of the board shall be open to the public.

1-30 SECTION 2. Section 211.010, Local Government Code, is
 1-31 amended by amending Subsections (a), (b), and (d) and adding
 1-32 Subsection (a-1) to read as follows:

1-33 (a) Except as provided by Subsection (e), any of the
 1-34 following persons may appeal to the board of adjustment a decision
 1-35 made by an administrative official that is not related to a specific
 1-36 application, address, or project:

1-37 (1) a person aggrieved by the decision; or

1-38 (2) any officer, department, board, or bureau of the
 1-39 municipality affected by the decision.

1-40 (a-1) Except as provided by Subsection (e), any of the
 1-41 following persons may appeal to the board of adjustment a decision
 1-42 made by an administrative official that is related to a specific
 1-43 application, address, or project:

1-44 (1) a person who:

1-45 (A) filed the application that is the subject of
 1-46 the decision;

1-47 (B) is the owner or representative of the owner
 1-48 of the property that is the subject of the decision; or

1-49 (C) is aggrieved by the decision and is the owner
 1-50 of real property within 200 feet of the property that is the subject
 1-51 of the decision; or

1-52 (2) any officer, department, board, or bureau of the
 1-53 municipality affected by the decision.

1-54 (b) The appellant must file with the board and the official
 1-55 from whom the appeal is taken a notice of appeal specifying the
 1-56 grounds for the appeal. The appeal must be filed not later than the
 1-57 20th day after the date the decision is made [~~within a reasonable~~
 1-58 ~~time as determined by the rules of the board~~]. On receiving the
 1-59 notice, the official from whom the appeal is taken shall
 1-60 immediately transmit to the board all the papers constituting the
 1-61 record of the action that is appealed.

2-1 (d) The board shall set a reasonable time for the appeal
2-2 hearing and shall give public notice of the hearing and due notice
2-3 to the parties in interest. A party may appear at the appeal
2-4 hearing in person or by agent or attorney. The board shall decide
2-5 the appeal at the next meeting for which notice can be provided
2-6 following the hearing and not later than the 60th day after the date
2-7 the appeal is filed [~~within a reasonable time~~].

2-8 SECTION 3. (a) Section 211.008(e), Local Government Code,
2-9 as amended by this Act, applies only to rules adopted by a municipal
2-10 board of adjustment on or after the effective date of this Act.

2-11 (b) Section 211.010(a), Local Government Code, as amended
2-12 by this Act, applies only to an appeal based on a decision made by an
2-13 administrative official on or after the effective date of this Act.
2-14 An appeal based on a decision made by an administrative official
2-15 before the effective date of this Act is governed by the law in
2-16 effect on the date the decision was made, and the former law is
2-17 continued in effect for that purpose.

2-18 SECTION 4. This Act takes effect September 1, 2019.

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