

By: Schwertner
(Muñoz, Jr.)

S.B. No. 1510

Substitute the following for S.B. No. 1510:

By: Muñoz, Jr.

C.S.S.B. No. 1510

A BILL TO BE ENTITLED

AN ACT

relating to the apportionment of infrastructure costs in regard to certain property development projects.

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

SECTION 1. Section 212.904(a), Local Government Code, is amended to read as follows:

(a) If a municipality requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality. The municipality's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.

SECTION 2. Subchapter E, Chapter 232, Local Government Code, is amended by adding Section 232.110 to read as follows:

Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS. (a) If, under any authority expressly authorized by this chapter, a county requires, including under an agreement under

1 Chapter 242, as a condition of approval for a property development
2 project that the developer bear a portion of the costs of county
3 infrastructure improvements by the making of dedications, the
4 payment of fees, or the payment of construction costs, the
5 developer's portion of the costs may not exceed the amount required
6 for infrastructure improvements that are roughly proportionate to
7 the proposed development as approved by a professional engineer who
8 holds a license issued under Chapter 1001, Occupations Code, and is
9 retained by the county. The county's determination shall be
10 completed within thirty days following the submission of the
11 developer's application for determination under this subsection.

12 (b) A developer who disputes the determination made under
13 Subsection (a) may appeal to the commissioners court of the county.
14 At the appeal, the developer may present evidence and testimony
15 under procedures adopted by the commissioners court. After hearing
16 any testimony and reviewing the evidence, the commissioners court
17 shall make the applicable determination within 30 days following
18 the final submission of any testimony or evidence by the developer.

19 (c) A developer may appeal the determination of the
20 commissioners court to a county or district court of the county in
21 which the development project is located within 30 days of the final
22 determination by the commissioners court.

23 (d) A county may not require a developer to waive the right
24 of appeal authorized by this section as a condition of approval for
25 a development project.

26 (e) A developer who prevails in an appeal under this section
27 is entitled to applicable costs and to reasonable attorney's fees,

1 including expert witness fees.

2 (f) This section does not diminish the authority or modify
3 the procedures specified by Chapter 395.

4 (g) This section does not increase or expand, and shall not
5 be interpreted to increase or expand, the authority of a county to
6 regulate plats or subdivisions under this chapter.

7 SECTION 3. The change in law made by this Act applies to the
8 approval of a development project that is not finally adjudicated
9 before the effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2019.