

BILL ANALYSIS

H.B. 1475
By: Cyrier
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes a municipal board of adjustment to authorize in specific cases a variance from the terms of a zoning ordinance if, among other things, due to special conditions a literal enforcement of the ordinance would result in unnecessary hardship. There has been some confusion among various municipalities regarding what constitutes an unnecessary hardship. A lack of clarity has led to municipalities interpreting and applying the term differently on a case-by-case basis. Without better guidance, uncertainty and confusion will remain as to whether the application of an ordinance to a structure meets the unnecessary hardship standard of a particular board. H.B. 1475 seeks to address this lack of clarity and standardization by authorizing a board to consider certain factors as grounds to determine whether compliance with an ordinance as applied to a structure would result in unnecessary hardship.

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

H.B. 1475 amends the Local Government Code to authorize a municipal board of adjustment, in exercising its authority to authorize in specific cases a variance from the terms of a zoning ordinance, to consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- the financial cost of compliance is greater than 50 percent of the applicable appraised value of the structure;
- compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- the municipality considers the structure to be a nonconforming structure.

EFFECTIVE DATE

September 1, 2021.