

BILL ANALYSIS

Senate Research Center
78R9901 DRH-D

H.B. 2130
By: Kuempel (Wentworth)
Intergovernmental Relations
5/9/2003
Engrossed

DIGEST AND PURPOSE

Current law allows landowners who have filed permit applications to develop their property and complete their projects under the city ordinances and other standards in place at the time the application was filed. The law makes several exceptions for items such as changes in the health and safety or fire code that protect the public. One such exception allows cities to apply new ordinances retroactively that "prevent the imminent destruction of property or injury to persons," like a flood. H.B. 2130 clarifies that an exempt regulation is one which is to prevent imminent destruction of property or injury to persons from flooding that is effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy. H.B. 2130 also exempts from the chapter regulations to prevent the imminent destruction of property or injury to persons, if the regulations do not affect certain aspects of a lot or project, or do not change development permitted by a restrictive covenant required by a municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 245.004, Local Government Code, to provide that this chapter does not apply to regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy. Includes in the list of regulations that are exempt from this chapter regulations to prevent the imminent destruction of property or injury to persons if the regulations do not affect certain aspects of a lot or project, or do not change development permitted by a restrictive covenant required by a municipality. Makes nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2003.