

## **BILL ANALYSIS**

H.B. 898  
By: Workman  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties raise concerns about conflicts between local ordinances and state law relating to the issuance of local permits by a regulatory agency of a political subdivision. H.B. 898 seeks to address these concerns by authorizing a certain local regulatory permit applicant to request mediation regarding the applicability of state law to the applicant's project.

### **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. 898 amends the Local Government Code to authorize the applicant for certain regulatory local permits to request a mandatory mediation regarding any determination by a regulatory agency of a political subdivision that statutory provisions relating to the issuance of such a local permit do not apply to the applicant's project. The bill requires the mediation to begin not later than the 30th day after written notice by the permit applicant to the regulatory agency official who made the determination and requires the mediation to be conducted before a licensed attorney mediator chosen by agreement of the parties from a pool of mediators approved by the attorney general. The bill requires each party to pay the mediator one half of the cost of the mediation on the day of the mediation and authorizes the permit applicant, if the parties fail to reach a mediated agreement, to initiate a suit for mandamus or injunctive relief in a court of law.

H.B. 898 establishes that failure by a regulatory agency to begin the mediation in the applicable period constitutes a final determination by the regulatory agency that the requested permit is subject to the original project rules, regulations, ordinances, and requirements as requested by the permit applicant, if the regulatory agency's failure is verified by the mediator selected by the parties or, if the regulatory agency and the permit applicant do not select a mediator by agreement, the mediator selected by the permit applicant. The bill prohibits a regulatory agency from imposing a fee for the agency to review an application for determination of the applicability of statutory provisions relating to the issuance of certain local permits to the applicant's project.

H.B. 898 makes a political subdivision that has been found by a court to have violated statutory provisions relating to the issuance of certain local permits liable for actual damages, reasonable attorney's fees, administrative and court costs, and the applicant's portion of the cost of any mediation requested by the applicant under the bill's provisions that did not result in an agreement.

**EFFECTIVE DATE**

September 1, 2017.