

BILL ANALYSIS

Senate Research Center
76R12321 DRH-F

C.S.S.B. 679
By: Shapiro
State Affairs
4/14/1999
Committee Report (Substituted)

DIGEST

The uniform permitting procedure in Chapter 481I, Government Code, was inadvertently repealed by the 75th Legislature. This bill reestablishes the procedure for the approval of certain permit applications by local governments.

PURPOSE

As proposed, C.S.S.B. 679 establishes the procedure for the approval of certain permit applications by local governments.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. FINDINGS; INTENT. Sets forth legislative findings concerning the inadvertent repeal of Chapter 481I, Government Code, relating to state and local permits enacted by Section 51(b), Chapter 1041, Acts of the 75th Legislature, Regular Session, 1997.

SECTION 2. AMENDMENT. Amends Title 7C, Local Government Code, by adding Chapter 245, as follows:

CHAPTER 245. ISSUANCE OF LOCAL PERMITS

Sec. 245.001. DEFINITIONS. Defines “permit,” “political subdivision,” “project,” and “regulatory agency.”

Sec. 245.002. UNIFORMITY OF REQUIREMENTS. Requires each regulatory agency to consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed. Requires, if a series of permits is required for a project, the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the first permit in that series is filed, to be the sole basis for consideration of all subsequent permits required for the completion of the project. Provides that all permits required for the project are considered to be a single series of permits. Provides that preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project. Prohibits a regulatory agency from shortening the duration of any permit required for the project, after an application for a project is filed. Authorizes a permit holder to take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including any changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter, notwithstanding any provision of this chapter to the contrary.

Sec. 245.003. APPLICABILITY OF CHAPTER. Provides that this chapter applies only to a project in progress on or commenced after September 1, 1997. Sets forth, for the purposes of this chapter, the conditions under which a project is in progress on September 1, 1997, and the

conditions under which a project is commenced on or after September 1, 1997.

Sec. 245.004. EXEMPTIONS. Provides that this chapter does not apply to certain permits, regulations, fees, and standards.

Sec. 245.005. ENFORCEMENT OF CHAPTER. Authorizes this chapter to be enforced only through mandamus or declaratory or injunctive relief.

SECTION 3. EFFECT OF PRIOR LAW. (a) Prohibits the repeal of Chapter 481I, Government Code, by Section 51(b), Chapter 1041, Acts of the 75th Legislature, Regular Session, 1997, and any actions taken by a regulatory agency for the issuance of a permit, as those terms are defined by Section 245.001, Local Government Code, after that repeal and before the effective date of this Act, from causing or requiring the expiration or termination of a project, permit, or series of permits to which SECTION 2 of this Act applies. Provides that an action by a regulatory agency that violates this section is void to the extent necessary to give effect to this section.

(b) Provides that this Act does not affect the rights or remedies of any person or entity under a final judgment rendered by a court before the effective date of this Act, or in any litigation pending in a court on the effective date of this Act, involving an interpretation of Chapter 481I, Government Code, as it existed before its repeal by the 75th Legislature.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause to provide that this legislation relates to the approval of certain permit applications by local governments.

SECTION 1.

Amends SECTION 1(b) to make a nonsubstantive change.

SECTION 2.

Amends Section 245.002, Title 7C, Local Government Code, to authorize a permit holder to take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including any changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter, notwithstanding any provision of this chapter to the contrary.

Amends Section 245.003, Title 7C, Local Government Code, to revise the conditions under which a project is in progress on September 1, 1997, and the conditions under which a project is commenced on or after September 1, 1997.

Amends Section 245.004, Title 7C, Local Government Code, to revise permits, regulations, fees, and standards to which this chapter does not apply.

SECTION 3.

Amends SECTION 3(a) to make a nonsubstantive change.