

BILL ANALYSIS

Senate Research Center

S.B. 1937
By: Armbrister
Intergovernmental Relations
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DIGEST AND PURPOSE

Currently, some municipalities require developers to pay, as a precondition to approval of a development project, the entire cost of the infrastructure improvements for a project including those improvements which only indirectly benefit the developer. As a result, certain projects which could have otherwise been developed become cost prohibitive. As proposed, S.B. 1937 limits the amount of infrastructure costs a municipality may charge a developer to that portion of the infrastructure costs directly attributable to the proposed development.

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 Subchapter Z, Chapter 212, Local Government Code, by adding Section 212.904, as follows:

Sec. 212.904. COSTS OF MUNICIPAL INFRASTRUCTURE IMPROVEMENTS. (a) Prohibits the developer's portion of the costs of municipal infrastructure improvements, if a municipality requires as a condition of approval for a development project that the developer bear a portion of such costs, from exceeding the amount required for infrastructure improvements that are directly attributable to the proposed development, as certified by a registered professional engineer retained by the municipality.

(b) Authorizes the developer, if the developer disputes the municipality's certification of directly attributable costs, to appeal the decision to the governing body of the municipality. Requires the developer, at such an appeal, to be permitted to present evidence and testimony under rules prescribed by the governing body. Requires the governing body to determine the costs directly attributable to the proposed development.

(c) Requires the developer to be permitted to appeal the governing body's decision to a court of competent jurisdiction.

(d) Prohibits the municipality, as a condition of issuing necessary consent for a development project, from requiring that the developer waive its right to appeal the municipality's certification.

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

(b) Makes application of this Act prospective.