

## **BILL ANALYSIS**

Senate Research Center  
82R10020 SLB-F

S.B. 1442  
By: Shapiro, Wentworth  
Open Government  
4/5/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 245 (Issuance of Local Permits), Local Government Code, provides for the vesting of property development rights. Under the statute, a landowner is entitled, upon filing an application for the first permit required for a project, to develop the project under the existing regulations of the city or county, without being subjected to regulatory changes.

Chapter 245 provides that vested rights accrue on the filing of an application that gives the city or county fair notice of the proposed project and the nature of the permit sought. However, the term "fair notice" is not defined, and therefore is subject to local interpretation. Since more than 1,450 cities and counties are subject to Chapter 245, it is important that "fair notice" be defined by state law, to ensure that all local governments apply it in a uniform manner.

As proposed, S.B. 1442 amends current law relating to the application requirements for a local project permit.

### **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 245.001, Local Government Code, by amending Subdivision (1) and adding Subdivision (1-a), to define, in this section, "fair notice" and to make a nonsubstantive change.

SECTION 2. Makes application of the changes in law made by this Act to Section 245.001, Local Government Code, prospective.

SECTION 3. Effective date: September 1, 2011.