

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1442
By: Shapiro, Wentworth
Open Government
4/8/2011
Committee Report (Substituted)

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. More than 1,450 cities and counties are subject to Chapter 245.

C.S.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 245.002(a-1), Local Government Code, to provide that rights to which a permit applicant is entitled under this chapter accrue on the filing of a required original application or plan, rather than an original application or plan, for development or plat application that gives the regulatory agency fair notice that is sufficient to enable a reasonably prudent person to understand the project and the nature of the permit sought, rather than fair notice of the project and the nature of the permit sought.

SECTION 2. Effective date: September 1, 2011.