

BILL ANALYSIS

Senate Research Center
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S.B. 12
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, local governments have the ability to regulate property owners both before and after they own their property. Many of these new regulations go well beyond traditional land-use zoning ordinances and impose a significant burden on existing property owners who could not have anticipated the more restrictive regulations when they purchased their home. These overreaching ordinances often result in unexpected development costs and can undercut the value of a property.

S.B. 12 seeks to address this issue by prohibiting a municipality or county from adopting and enforcing regulations that prohibit or restrict the use or development of a property owner's property if the regulation was not in effect on the date the property owner acquired title to the property. This will help to provide property owners with increased regulatory certainty while preventing local governments from imposing costly land-use restrictions that go beyond what is necessary to protect the public.

As proposed, S.B. 12 amends current law relating to limiting the applicability of municipal and county regulations affecting real property.

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 Chapter 250, Local Government Code, by adding Section 250.009, as follows:

Sec. 250.009. LIMITATION ON REGULATION OF REAL PROPERTY. (a) Provides that this section applies only to a municipal or county prohibition or restriction on the use or development of real property that is not subject to Chapter 245 (Issuance of Local Permits), including prohibitions or restrictions exempt from that chapter under Section 245.004 (Exemptions).

(b) Prohibits a municipality or county from enforcing an ordinance, order, or other regulation adopted by the municipality or county, as applicable, that prohibits or restricts the use or development of real property that has been platted if the ordinance, order, or other regulation was not in effect on the date the owner of the property acquired title to the property.

(c) Provides that the limitation in Subsection (b) does not apply to a parcel of land for which the owner has filed with the county clerk of the county in which the land is located a written waiver of the limitation.

SECTION 2. Effective date: December 1, 2017.