

BILL ANALYSIS

Senate Research Center

S.B. 1398
By: Fraser
Intergovernmental Relations
3/23/2001
As Filed

DIGEST AND PURPOSE

Currently, the governing body of a municipality has the power to enact zoning regulations in accordance with its comprehensive plan, and occasionally has reason to change zoning regulations. Some changes may adversely affect property value. As proposed, S.B. 1398 prohibits the governing body from changing a previously enacted zoning regulation affecting a property unless the property owner gives consent for the change or is compensated for the reduction in value.

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 211.003, Local Government Code, to prohibit the governing body of a municipality, notwithstanding any other provision of this subchapter, from changing a previously enacted zoning regulation affecting a property unless: the owner of the property waives any right to object to the proposed change or fails to file a written objection before the 90th day after the date the governing body notifies the property owner of the proposed change; or the governing body compensates the property owner for the diminution in value resulting from the change as determined by an agreement with the property owner or a condemnation proceeding governed by Chapter 21 (Eminent Domain), Property Code.

SECTION 2. Effective date: September 1, 2001.