

BILL SUMMARY
1st Session of the 59th Legislature

Bill No.:	HB 2089
Version:	FA1
Request Number:	8022
Author:	Rep. Echols
Date:	3/20/2023
Impact:	Please see previous summary of this measure

Research Analysis

The floor substitute to HB 2089 establishes that municipal zoning decisions are legislative in nature and valid unless the ordinance is proved to lack a substantial relation to public health and safety or if it constitutes an arbitrary exercise of police power. The measure also establishes that municipal platting decisions are quasi-judicial in nature and gives the Planning Commission and the City Council of a municipality the discretion to determine a plat's compliance with regulations, codes, and ordinances. In the case of a preliminary or final plat denial, the objecting governing body member is required to identify their basis for denial. Comprehensive plans are allowed to be used as a guide when making zoning or plat decisions, but decisions are required to be based on objective and relevant facts and municipal code.

While the measure makes no changes to the public notice and hearing requirements for proceedings to discuss a proposed rezoning application, governing bodies are prohibited from basing their decision making upon the presence, number, or magnitude of opposition or protest to the application.

CHANGES IN FLOOR SUBSTITUTE VERSION FROM INTRODUCED:

Modifies the language regarding municipal zoning and plat application decision requirements. The floor substitute version also removes the provision for courts to award reimbursements for legal and other expenses in the event of a successful appeal of a zoning or preliminary or final plat denial.

Prepared By: Keana Swadley

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.