TEXAS VESTED RIGHTS STATUTE: CHAPTER 245 A SIMPLIFIED VIEW

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WHAT IS COMMON TO THESE SITUATIONS?

- COVID-19
- THE BIG TEXAS FREEZE
- LOCAL GOVERNMENT REGULATION OF A REAL ESTATE PROJECT CHANGING

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- SURPRISE
- FRUSTRATION
- ANGER
- NEED FOR RESOLUTION

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SEC. 245.002.

UNIFORMITY OF REQUIREMENTS

Single Permit Vesting

A. Each **regulatory agency** shall consider the approval, disapproval, or conditional approval of an application for a **permit solely on the basis of any** orders, regulations, ordinances, rules, expiration dates, **or** other properly adopted requirements **in effect at the time**:

1. The **original application for the permit** is filed for review for any purpose, including review for administrative completeness; **OR**
2. a **plan for development** of real property **or plat application** is filed with a regulatory agency.

SEC. 245.002.

UNIFORMITY OF REQUIREMENTS

Accrual of Vested Rights

(a-1) Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application **or** plan for development **or** plat application that gives the regulatory agency **fair notice** of the **project and** the **nature of the permit sought**.

Filing Date Defined

An application or plan is considered filed on the date the applicant **delivers** the application or plan to the regulatory agency **or deposits** the application or plan with the **United States Postal Service by certified mail** addressed to the regulatory agency.

A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

SEC. 245.002.

UNIFORMITY OF REQUIREMENTS

Series of Permits Vesting

B. If a **series of permits** is required for a project, the orders, regulations, ordinances, rules, expiration dates, **or** other properly adopted requirements in effect at the time the **original application** for the first permit in that series **is filed** shall be the sole basis for consideration of all subsequent permits required for the completion of the project.

All permits…to be a **single series of permits**.

Preliminary plans…plats, site plans…development permits…are considered collectively to be one series of permits for a project.

Permit Duration

C. After an application for a project is filed, a regulatory agency **may not shorten the duration of any permit** required for the project.

SEC. 245.002.

UNIFORMITY OF REQUIREMENTS

Additional Vested Rights

D. Notwithstanding any provision of this chapter to the contrary, **a permit holder may take advantage of** recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, **or a change to the laws, rules, regulations, or ordinances** of a regulatory agency **that enhance or protect the project**, including changes that lengthen the effective life of the permit after the date the application for the permit was made, **without forfeiting any rights** under this chapter.

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