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Fwd: Planning Dept. fees.

1 message

Anthony Uresti <anthony.uresti@co.hidalgo.tx.us>
 To: Flor Sesin <flor.sesin@co.hidalgo.tx.us>

Wed, Jul 3, 2024 at 3:46 PM

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From: **Michelle Lopez** <michelle.lopez@da.co.hidalgo.tx.us>
 Date: Tue, Jul 2, 2024 at 4:44 PM
 Subject: Planning Dept. fees.
 To: Anthony Uresti <anthony.uresti@co.hidalgo.tx.us>

Good Afternoon Anthony,

Please find attached the applicable statutes in the Local Govt Code that applies to assessment of fees.

Sec. 232.0021. PLAT APPLICATION FEE. (a) The commissioners court may impose an application fee to cover the cost of the county's review of a subdivision plat and inspection of street, road, and drainage improvements described by the plat.

(b) The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the commissioners court.

(c) The owner of the tract to be subdivided must pay the fee at the time directed by the county before the county conducts a review of the plat.

(d) The fee is subject to refund under Section 232.0025(i).

Added by Acts 2003, 78th Leg., ch. 301, Sec. 9, eff. Sept. 1, 2003.

Sec. 232.901. CERTAIN VALUE-BASED FEES AND DISCLOSURE OF CERTAIN INFORMATION PROHIBITED. (a)

This section applies only to an application, review, engineering, inspection, acceptance, administrative, or other fee imposed by a county related to the acceptance, review, or processing of engineering or construction plans or for the inspection of improvements for construction in a subdivision or a related improvement associated with or required in conjunction with that construction.

(b) A county may not consider the cost of constructing or improving the public infrastructure for a subdivision, lot, or related property development in determining the amount of a fee subject to this section. The county shall determine the fee by considering the county's actual cost to, as applicable, review and process the engineering or construction plan or to inspect the public infrastructure improvement.

(c) In determining the county's actual cost for reviewing and processing an engineering or construction plan or inspecting a public infrastructure improvement under Subsection (b), a county may consider:

- (1) the fee that would be charged by a qualified, independent third-party entity for those services;
- (2) the hourly rate for the estimated actual direct time of the county's employees performing those services; or
- (3) the actual costs assessed to the county by a third-party entity that provides those services to the county.

(d) A county may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling or the public infrastructure improvements for a subdivision, lot, or related property development as a condition of obtaining approval for subdivision construction or for the acceptance of those public infrastructure improvements except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

(e) A county that imposes a fee for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement shall annually publish the fee and the hourly rate and estimated direct time incurred by county employees for a fee calculated under Subsection (c)(2). The county must publish the information:

- (1) on the county's Internet website; or
- (2) if the county does not maintain an Internet website, in a newspaper of general circulation in the county.

Added by Acts 2023, 88th Leg., R.S., Ch. 534 (H.B. 3492), Sec. 2, eff. September 1, 2023.

Thank you,

Michelle Lopez

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