

Local Government Regulation Tramples Property Rights

“Property owners do not acquire a constitutionally protected vested right in property uses ...” – Texas Supreme Court; [City of University Park v. Benners](#), 485 SW 2d 773 (1972).

To fully solve the problem of local regulations making Texas cities less and less affordable for the average Texan, delaying construction, and costing Texans jobs, the Texas Legislature must undo the damage done by Texas courts that have subjugated private property rights to the whims of local government planners.

Under the Texas Supreme Court’s 1972 decision, property owners must have permission from the government to use their property for anything. So cities can tell owners how they can and can’t use their property, tell them how much of their property they can or cannot use, and can even allow property owners to use their property for a specific use for a time then later prohibit that use. Owners must bear the full cost of these restrictions to serve the “public interest.”

Fortunately, the solution to this is simple. The Texas Legislature should subject cities to the provisions of the Texas Real Private Property Rights Preservation Act, just like every other Texas government entity. By removing the exemption for cities found in Sec. 2007.003 of the Texas Government Code, the Texas Legislature will provide Texans their day in court to recover the costs of local government regulations that result from outcomes like these:

- In Harris County, media reports indicate the approval process for business permits can cause delays of up to six months while trying to comply with unnecessary provisions.
- A 2015 study found that bureaucratic procedures can add up to 3.5 months to the already lengthy Austin permitting process.
- A survey from the National Association of Homebuilders found that “government regulations represented 25 percent of a [residential] unit’s final sales prices.”