

SB 0365 by \*Briggs

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(HB 0317) by \*Rudd

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Zoning - As enacted, makes certain changes to the powers and duties of county and municipal boards of zoning appeals. - Amends TCA Title 13, Chapter 7.

SB0365 has been assigned Public Chapter Number 363 by the Secretary of State.

## Summary

### FISCAL SUMMARY

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NOT SIGNIFICANT

### BILL SUMMARY

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#### COUNTY ZONING

##### Required Training of Board Members

Present law requires each board of zoning appeals member, within one year of initial appointment and each calendar year thereafter, to attend a minimum of four hours of training and continuing education in land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. **Beginning July 1, 2025, this bill adds that property rights and constitutional rights are also included in this list of training and continuing education topics.**

Present law authorizes the legislative body of the county to, at any time, opt out of training requirements provided above by passage of a resolution. Any such legislative body that has opted out may, at a later date, opt in by passage of a resolution. This bill removes this authority.

##### Rules

Present law authorizes the county legislative body to provide and specify, in its zoning or other ordinance, general rules to govern the organization, procedure and jurisdiction of the board of appeals, which rules must not be inconsistent with state law. The board may adopt supplemental rules of procedure, not inconsistent with such provisions or general rules. Supplemental rules of procedure may address, but are not limited to, the following: (i) maintenance of a record of the board's resolutions, transactions, motions and actions, which is a public record; (ii) election from its membership of a chair and other officers as the board deems necessary; and (iii) the inclusion of statements of reasons for the board's actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.

This bill requires, instead of authorizes, the county legislative body to so provide and specify such matters in its general rules. This bill requires general and supplemental rules of procedure to address the matters described above in (i)-(iii). Additionally, the presentation of relevant proof by parties to the proceedings must also be so addressed.

#### **Notice of Right to Appeal Decisions**

This bill requires building commissioners and other administrative officials who grant or deny building permits to inform, in writing, the person receiving the grant or denial of the person's right to appeal to the board of zoning appeals. When issuing a decision of the board of zoning appeals, the board must inform, in writing, the parties to the proceeding of their right to seek judicial review of the board's decision pursuant to state law.

### **MUNICIPAL ZONING**

#### **Training**

Present law requires each board of zoning appeals member to, within one year of initial appointment and each calendar year thereafter, attend a minimum of four hours of training and continuing education, including, but not limited to: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. This bill adds property rights and constitutional rights to the list of subjects for training and continuing education.

Present law authorizes the legislative body of a municipality to, at any time, opt out of this educational requirement by passage of an ordinance. Any such legislative body that has opted out may, at a later date, opt in by passage of an ordinance. This bill removes this authority.

#### **Rules**

Present law authorizes the chief legislative body to provide and specify, in its zoning or other ordinance, general rules to govern the organization and procedure and jurisdiction of the board of appeals, which rules must not be inconsistent with state law, and the board of appeals may adopt supplemental rules of procedure, not inconsistent with this part and state law or such general rules. The supplemental rules of procedure may address, but are not limited to, the following: (i) maintenance of a record of the board's resolutions, transactions, motions and actions, which shall be a public record; (ii) election from its membership of a chair and other officers as the board deems necessary; and (iii) the inclusion of

statements of reasons for the board's actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.

This bill requires, instead of authorizes, the chief legislative body to so provide and specify such matters in its general rules. This bill requires, instead of authorizes, general and supplemental rules of procedure to address the matters described above in (i)-(iii). Additionally, the presentation of relevant proof by parties to the proceedings must also be so addressed.

#### **Notice of Right to Appeal Decisions**

This bill requires building commissioners and other administrative officials who grant or deny building permits to inform, in writing, the person receiving the grant or denial of the person's right to appeal to the board of zoning appeals. Additionally, the board must inform, in writing, the parties to the proceeding of their right to seek judicial review of the board's decision state law when issuing a decision of the board of zoning appeals.

**ON MARCH 31, 2025, THE SENATE ADOPTED AMENDMENT #1 AND PASSED SENATE BILL 365, AS AMENDED.**

**AMENDMENT #1 revises the provisions in the bill relative to the general and supplemental rules of procedure of the county legislative body and the chief legislative body of a municipality to, instead:**

- **Require such rules to require (i) maintenance of a record of the board's proceedings, including resolutions, transactions, motions, and actions, which are public records; (ii) election from its membership of a chair and other officers as the board deems necessary; and (iii) the presentation of relevant proof by parties to the proceedings.**
- **Authorize such rules to address the inclusion of statements of reasons for the board's actions as part of each motion or action, including such findings of fact and statements of material evidence as the board may deem pertinent.**