TXAPA/TML AFFILIATE LEGISLATIVE COMMITTEE
Planning/Development Legislation Update as of January 15, 2019

Legislative Committee
Texas Chapter/American Planning Association as an affiliate of Texas Municipal League

• Monday, November 12, 2018 - Pre-filing of legislation for 86th Legislature began, 460 bills filed on the first day. The number of city related bills as a percentage of total bills filed has risen every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2017, that percentage had almost doubled to 30 percent. In other words, almost a third of the legislature’s work is directed at cities, and much of that work aims to limit municipal authority.
• Tuesday, January 8, 2019 (1st day) - 86th Legislature convenes at noon;
• Friday, March 8, 2019 (60th day) - Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by governor; There will be more: legislators can still file bills if they can persuade colleagues to suspend rules on a bill-by-bill basis. In 2017 a total of 401 planning and development related bills were monitored by TXAPA/TML.
• Monday, May 27, 2019 (140th day) - Last day of 86th Regular Session; corrections only in House and Senate and session Ends. In 2017, of the 401 bills tracked, a total of 43 (9%) were either signed by the Governor or were not vetoed and became law. 14 (3% of total) of those bills were bad for cities, and 12 (3%) were good. An additional 16 bills were “neutral” and not determined to be negative.
• Tuesday, June 19, 2019. (20th day following final adjournment) - Last day governor can sign or veto bills passed during regular legislative session. Any bills not signed become law
• Monday, August 26, 2019 (91st day following final adjournment) - Date that bills without specific effective dates (that could not be effective immediately) become law

Following is status of Planning Related Bills and other issues as listed on TML Legislative Reports and/or sent to TXAPA

This document is status of legislation affecting planning, development and growth of cities and comes mainly from Texas Municipal League information with periodic checks by TXAPA members on bill status.

Red Highlighted wording are new bills added since last report. **Bold red heading is a bill that has been determined by TXAPA or TML to be detrimental to cities in their regulation of development, has potential to make it out of committee and should be watched closely. Green heading is generally of benefit to cities and should be looked at to support.** Other bills listed are still important to cities and should also be reviewed and monitored.

Table of Contents (click on links below to go to that section)

Contents

TXAPA’S DIRTY DOZEN FROM 2017 - WORST LEGISLATION AFFECTING PLANNING, GROWTH & DEVELOPMENT OF CITIES … 3
BILL SEARCH AND STATUS ........................................................................................................................................... 4
AFFORDABLE HOUSING........................................................................................................................................... 4
AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION” .................................................................................... 4
ALCOHOLIC BEVERAGES ......................................................................................................................................... 4
ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS ........................................................... 4
BATHROOMS .......................................................................................................................................................... 5
BUILDING AND FIRE CODES/INSPECTION ........................................................................................................ 5
CODE ENFORCEMENT ........................................................................................................................................ 5
TXAPA’s Dirty Dozen from 2017 - Worst Legislation affecting planning, growth & development of cities

Since the “anti-city/planning” legislation bills that don’t get passed have a habit of being resubmitted by the same sponsors in the next legislature, you may want to look at last sessions final Legislative Update to get a prediction of what bills have not yet been introduced in 2019 and who will probably introduce them. The categories are included below with bill numbers from the last legislature struck out. Huffines and Burton did not get re-elected but since they were carrying legislation for the same elected officials, it is expected their bills will be introduced by someone else with very few changes. Obviously, bathrooms will probably be back.

1. **Annexation** – H.B. 347 (P. King) – Annexation – will make all counties Tier 2 w/no involuntary annexation.
2. **Payday Lending** HB 3508 (Neave) – will preempt all city payday lending ordinances
3. **ESD’s** – HB 3074 (E. Rodriguez) – requires sales tax to be paid to ESD’s in addition to debt upon annexation or removal from ESD by City
4. **Historic Zoning** – HB 3418 (Elkins) – restricts historic zoning, speeds up demolition, requires ¾ vote of both P&Z and Council
5. **Manufactured Homes**
6. **Property rights/zoning/vesting** – HB 3787 (Bell) – cannot enforce new regulation after 9.1.2017 if it was not in effect when owner bought property
7. **Short Term Rentals** – HB 2551 (Krause), SB 451 (Hancock) – would preempt city’s authority to regulate short term rentals
8. **Billboards/TXDOT** – HB 405 (Villalba) – if City regulations do not allow relocation of billboard acquired by TXDOT, City has to pay (in ETJ also)
9. **TIRZ’s** – SB 1765 (Garcia) – extremely onerous, only allows for 10 yr term w/no extensions and has retroactive provisions
10. **Commuter Rail** – HB 4160 (Pickett) SB 385 (Burton) – may not accept funding including TXDOT or Fed for construction, operation or maintenance of commuter rail w/o citywide election. Not clear if operation fund req. is retroactive
11. Trees – HB 1572 (Workman), HB 2052 (Phelan), HB 2535 (Zedler), SB 744 (Kolkhorst) – SB 782 (Campbell), SB 898 (Bettencourt), SB 1082 (Burton). – same theme, trees are private property, cannot be prohibited from being trimmed or removed, limits mitigation fees (amazingly similar wording)

12. Wireless free use of ROW –

BILL SEARCH AND STATUS

Each bill below has a link to the bill as introduced. Just click on the link and it will take you directly to the bill. We will strive to replace the links where a bill is updated in committee. To find out the exact status of a bill or to view amended bills, just click on the link to “Texas Legislature Online” below and enter the bill number as shown in the picture. You can also find out committee agendas and information about individual legislators.

https://capitol.texas.gov/

AFFORDABLE HOUSING

See the attached Interim Report from the Senate Intergovernmental Relations Committee to get an idea of the possible legislation.

H.B. 59 (Swanson) – Low Income Housing Tax Credits: would increase the weight given to a written statement from a state representative who represents the district containing the proposed development site for any low-income housing tax credit application submitted to the Texas Department of Housing and Community Affairs. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB000591B&QueryText=%22hb+59%22&DocType=B

H.B. 416 (Guerra) – Low Income Housing Tax Credits: would eliminate the written statement from the state representative who represents the district containing a proposed development site as a criteria used by the Texas Department of Housing and Community Affairs to rank low income housing tax credit applications. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB004161B&QueryText=%22hb+416%22&DocType=B

AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION”

ALCOHOLIC BEVERAGES

ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS

H.B. 347 (P. King) – Annexation: would essentially eliminate most unilateral annexations by any city, regardless of population or location. Specifically, the bill would: (1) eliminate the distinction between Tier 1 and Tier 2 cities and counties created by S.B. 6 (2017); (2) eliminate existing annexation authority that applied to Tier 1 cities and make most annexations subject to the three consent annexation procedures created by S.B. 6 (2017), which allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at
least 200 by election of voters and, if required, petition of landowners; and (3) authorize certain narrowly-defined types of annexation (e.g., city-owned airports, navigable streams, etc.) to continue using a service plan, notice, and hearing annexation procedure.


BATHROOMS

BUILDING AND FIRE CODES/INSPECTION

H.B. 291 (Springer) – Architectural Barriers: would provide that: (1) the Texas Commission Licensing and Regulation shall impose an administrative penalty on a political subdivision that issues a building construction permit or a final certificate of occupancy without verifying that the building has been registered with the Texas Department of Licensing and Regulation; (2) the total amount of an administrative penalty under this section is the amount calculated by multiplying the population of the political subdivision by one cent; and (3) a penalty collected under the bill may be appropriated only to the office of the governor for the purpose of informing organizations and the general public of disability issues.


S.B. 208 (Campbell) – Concrete Plants: would extend from 440 yards to 880 yards the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship.


CODE ENFORCEMENT

H.B. 36 (Ortega) – Substandard Buildings: would: (1) authorize an appeal from an interlocutory order denying a motion filed by a city related to a substandard building determination; and (2) require a court to expedite a proceeding, including an appeal, related to certain substandard building determinations.


H.B. 280 (Ortega) – Substandard Property: would expand those persons a court may appoint as a receiver for a substandard property to include any individual that the city demonstrates is competent and able to fulfill the duties of a receiver.


S.B. 86 (Hall) – Regulation of Raising Six or Fewer Chickens: would provide that (1) a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision; and (2) a city may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the city that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including: (a) a limit on the number of chickens an individual may raise or keep in excess of six; (b) a prohibition on breeding poultry; (c) a prohibition on raising or keeping roosters; or (d) the minimum distance an individual must maintain between a chicken coop and a residential structure. (Ed. Note – Not against chickens, just it should be a local option)


S.B. 253 (Rodriguez) – Substandard Buildings: would: (1) authorize an appeal from an interlocutory order denying a motion filed by a city related to a substandard building determination; and (2) require a court to expedite a proceeding, including an appeal, related to certain substandard building determinations. (Companion bill is H.B. 36 by Ortega.)


S.B. 254 (Rodriguez) – Substandard Property: would expand those persons a court may appoint as a receiver for a substandard property to include any individual that the city demonstrates is competent and able to fulfill the duties of a receiver. (Companion bill is H.B. 280 by Ortega.)


COMPREHENSIVE PLANS

H.B. 219 (Reynolds) – Comprehensive Plan: would require a city’s comprehensive plan to be updated at least every five years and include an environmental evaluation report. Ed. Note - Last session’s bill did not make it
out of committee – testimony was Texas would be like California that also requires environmental evaluations.  

COUNTY/RURAL AUTHORITY/OLONIAS

CREDIT ACCESS BUSINESS/PAYDAY/AUTO TITLE LENDING
(Also see “Payday Lending Clearinghouse” webpage, available at www.tml.org/payday-updates)

H.B. 190 (Bernal) – Payday and Auto Title Lending: would provide that a credit services organization may not obtain for a consumer or assist a consumer in obtaining an extension of consumer credit, unless the credit organization uses independently verifiable documentation of income and obligations to find that the consumer can reasonably: (1) repay the extension of consumer credit and all associated fees in cash, in accordance with the time and schedule of payments established by contract and applicable law; and (2) pay due payments on all known obligations of the consumer concurrently.  

H.B. 242 (Bernal) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer’s income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer’s gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer’s gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (12) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (13) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.  

S.B. 110 (Menendez) – Payday and Auto Title Lenders: would provide that the amount of a fee paid or to be paid to a credit services organization to assist a consumer in transacting, arranging, guaranteeing, or negotiating an extension of credit or to obtain for a consumer an extension of credit is considered interest for usury purposes under state law if: (1) the extension of credit is secured by a non-purchase money security interest in personal property or is unsecured; and (2) the proceeds of the extension of credit are used for personal, family, or household purposes.  

S.B. 182 (Miles) – Payday Lending: would provide that a credit services organization or a representative of a credit services organization may not, unless the credit services organization or representative of the credit services organization has extrinsic evidence sufficient prove that the consumer has committed theft or issued a bad check:
(1) file a criminal complaint or threaten to file a criminal complaint related to an extension of consumer credit against the consumer; or (2) refer or threaten to refer a consumer to a prosecutor for the collection and processing of a check or similar sight order that was issued in relation to an extension of consumer credit.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB001821B&QueryText=%22sb%20182%22&DocType=B

**ECONOMIC DEVELOPMENT/REDEVELOPMENT**

**H.B. 31 (Longoria) – Texas Leverage Fund:** would, among other things: (1) establish the Texas leverage fund, which consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may only be used to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank’s necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is S.B. 132 by Hinojosa.)


**H.B. 390 (Blanco) – Defense Communities:** would make various changes relating to defense economic readjustment zones.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB003901B&QueryText=%22hb%20390%22&DocType=B

**S.B. 132 (Hinojosa) – Texas Leverage Fund:** would, among other things: (1) establish the Texas leverage fund, a trust fund held outside the state treasury by the comptroller as trustee, that consists of: (a) proceeds from the issuance of revenue-based bonds by the Texas Economic Development Bank; (b) payments of principal and interest on loans made by the Texas Economic Development Bank; (c) loan origination fees imposed on loans made by the Texas Economic Development Bank; (d) investment earnings of the Texas leverage fund; and (e) any other money received by the Texas Economic Development Bank; (2) provide that the Texas leverage fund may be used only to: (a) make loans to economic development corporations (EDCs) for eligible projects; (b) pay the bank’s necessary and reasonable costs of administering the program; (c) pay the principal of and interest on bonds; (d) pay reasonable fees and other costs incurred by the bank in administering the leverage fund; and (e) pay for any other purpose authorized by law; (3) authorize a Type A or Type B EDC to obtain a loan from the Texas leverage fund program for eligible projects; and (4) authorize a Type A or Type B EDC to pledge revenue from the EDC sales and use tax to secure the loan. (Companion bill is H.B. 31 by Longoria.)

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB001321B&QueryText=%22sb%20132%22&DocType=B

**S.B. 289 (Lucio) – Natural Disasters:** would: (1) authorize cities to develop local housing recovery plans to provide for the rapid and efficient construction of permanent replacement housing following a natural disaster; (2) require the General Land Office (or other state agency designated by the governor) to seek approval from certain federal agencies for the immediate post-disaster implementation of local housing recovery plans; and (3) require local housing recovery plans be approved by the Hazard Reduction and Recovery Center at Texas A&M University, the General Land Office, and the governor.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB001321B&QueryText=%22sb%20132%22&DocType=B

**S.B. 298 (Miles) – Small Business Development:** would provide, among other things, that the state’s Office of Small Business Assistance shall promote the establishment of small business development centers at accessible locations, including community centers, park facilities, and public libraries, in areas of this state with the fewest certified historically underutilized businesses.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB002981B&QueryText=%22sb%20298%22&DocType=B

**EMERGENCY MANAGEMENT/DISASTER RECOVERY**

**H.B. 34 (Raymond) – Disaster Alert System:** would require the Texas Division of Emergency Management (Division) to develop and implement a statewide disaster alert system that provides for the following: (1) activation of the system in the event of a disaster affecting any location in the state; (2) operation of the system in conjunction...
with any other emergency alert system required by federal or state law; (3) notification of persons statewide of a disaster affecting any location in the state; (4) provision of notification through public and commercial television or radio broadcasts, a system of dynamic message signs located across the state, reverse 9-11 calls, texts messages, e-mails, social media, and other instant messaging systems; (5) allowing persons to register for a preferred method of receiving notification; (6) immediate activation of the system upon a determination by the Division that a disaster has occurred or the occurrence or threat of disaster is imminent, or upon being notified of a declaration of disaster; (7) issuance of updated notifications for the duration of the disaster; (8) notification that includes all information necessary to enable a person who may be affected by the disaster to make informed decisions regarding the person’s safety; (9) notification that enables a person in another location in the state to assist an affected person; (10) notification that includes real-time information regarding the availability of gas, food, lodging, 24-hour pharmacy services, medical care, and the disposition of a deceased individual; (11) for a hurricane, notification of the category of classification of the hurricane, including updated information on changes in the category classification, expected time and location of landfall for the hurricane, and other detailed information about the hurricane; (12) termination of the system when the Division determines that the threat or danger has passed or the disaster has been addressed to the extent that emergency conditions no longer apply; and (13) termination of the system when the governor terminates a declared state of disaster.


H.B. 91 (Martinez) – Disaster Identification System: would establish, for use in an area subject to a declaration of a state disaster, a disaster identification system that would allow any person to use an illuminating display to communicate with disaster relief personnel.


S.B. 285 (Boris) – Hurricane Preparedness: would, among other things, require: (1) the governor to issue a proclamation each year before hurricane season instructing: (a) individuals, including residential and commercial property owners, to prepare their property and communities for the upcoming hurricane season; and (b) cities and other agencies, to the extent practicable, to conduct community outreach and education activities on hurricane preparedness between May 25 and 31 of each year; and (2) the General Land Office conduct a public information campaign each year before and during hurricane season to provide local officials and the public with information regarding housing assistance that may be available under state and federal law in the event of a major hurricane or flooding event, including information about types of assistance unavailable under the law.


EMINENT DOMAIN

ENVIRONMENT

H.B. 654 (Dutton) – TCEQ Permitting Notice: would provide that the definition of “affected person” for purposes of a contested case hearing by or for the Texas Commission on Environmental Quality regarding water quality, beneficial land use, new source review (air), municipal solid waste, industrial solid waste, hazardous waste, or underground injection wells permit applications include the state senator and representative who represents the area in which the facility to which the application relates is located or proposed to be located.


H.B. 522 (Allen) – Air Contaminant Permitting: would require the Texas Commission on Environmental Quality, when issuing a permit to construct or modify a facility that emits air contaminants or renewing a preconstruction permit, to consider the cumulative effects on public health and the physical property of expected air contaminant emissions from the facility or proposed facility and from other facilities located less than three miles from the facility or proposed facility.


H.B. 523 (Allen) – Solid Waste Facility Permitting: would require applicants for solid waste facilities to: (1) mail an explanation of the site’s proposed operations and a questionnaire to each resident living within one mile or

TXAPA/TML Planning/Development Legislation Update as of January 14, 2019  Page 8 of 16
less from the site and each community organization, nonprofit organization, or civic club located three miles or less from the site; and (2) include any comments made by residents, organizations, or clubs in response to the application. **Ed. Note - Not sure if this is good or bad for cities. Let us know any opinions.**

S.B. 180 (Miles) – Environmental Justice Reports: would: 1. define “affecting facility” as a facility required to obtain a permit from the Texas Commission on Environmental Quality for wastewater discharge, injection wells, and under the Solid Waste Disposal Act and Clean Air Act; 11 2. define “environmental justice community” as a United States census block group, as determined in accordance with the most recent United States census, for which: (a) 30 percent or more of the noninstitutionalized population consists of persons who have an income below 200 percent of the federal poverty level; or (b) 50 percent or more of the population consists of members of racial minority or ethnic minority groups; 3. require that a person applying for a permit for a new affecting facility or the expansion of an affecting facility submit to TCEQ an environmental justice report stating whether the facility or expansion is to be located in an environmental justice community and include demographic information to support the applicant’s conclusion as to whether the facility or expansion is to be located in an environmental justice community; 4. require that TCEQ review the environmental justice report and determine whether the affecting facility or expansion is to be located in an environmental justice community and publish its determination and findings in writing; 5. provide that if TCEQ determines that the affecting facility or expansion is to be located in an environmental justice community, the applicant must, before the commission may issue a permit: (a) file with TCEQ a public participation plan that meets the requirements of (6) and obtain TCEQ’s approval of the plan; (b) consult with the chief elected official of the city in which the facility or expansion is to be located (if it will be located in a city) to evaluate the need for a community environmental benefit agreement in accordance with (8); and (c) participate in a public hearing under (7); 6. provide that a public participation plan must: (a) contain measures to facilitate effective public participation in the regulatory process, including measures that allow residents of the environmental justice community to have an appropriate opportunity to participate in decisions about a proposed affecting facility or expansion that may adversely affect residents’ environment or health, and seek out and facilitate the participation of those who potentially would be affected by the facility or expansion; and (b) include a certification that the applicant will undertake the measures contained in the plan; 7. provide that, if TCEQ determines that an affecting facility or expansion is to be located in an environmental justice community, TCEQ shall provide notice and conduct a hearing to address issues of environmental justice posed by the construction or expansion of the facility; 8. provide that a city or county and the owner or developer of an affecting facility may enter into a community environmental benefit agreement under which the owner or developer agrees to mitigate adverse impacts reasonably related to the facility, including impacts on the environment, traffic, parking, and noise; and 9. provide that, before negotiating the terms of a community environmental benefit agreement, the city or county shall provide a reasonable and public opportunity for residents of the potentially affected environmental justice community to be heard concerning the need for, and terms of, an agreement.

EXTRATERRITORIAL JURISDICTION

See the attached Interim Report from the Senate Intergovernmental Relations Committee to get an idea of the negative proposed legislation.

GAMBLING

H.B. 78 (Raymond) – Eight-Liners: would authorize a local option election to legalize or prohibit the operation of eight-liners. (See H.J.R. 18, below.)

H.B. 494 (Deshotel) – Gambling: would authorize certain forms of gambling in coastal areas and provide that a portion of a gaming tax on the casinos be used to fund a catastrophic flooding assistance program and the Texas Windstorm Insurance Association. (See H.J.R. 36, below.)

H.J.R. 18 (Raymond) – Eight-Liners: would amend the Texas Constitution to: (1) authorize the legislature to regulate the operation of eight-liners and similar gaming devices; (2) require that eight-liner regulations provide for a local option election to legalize or prohibit the operation of the devices; and (3) authorize the legislature to impose...
a fee on gaming devices or allow political subdivisions to impose a fee on gaming devices. (See H.B. 78, above.)

H.J.R. 36 (Deshotel) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling in coastal areas and provide that a portion of a gaming tax on the casinos be used to fund a catastrophic flooding assistance program and the Texas Windstorm Insurance Association. (See H.B. 494, above.)

GRANTS, FUNDING AGENCIES

HEALTH CODES AND INSPECTIONS

H.B. 234 (Krause) – Sale of Lemonade: would provide that a city, county, or other local public health authority may not adopt or enforce an ordinance, order, or rule that prohibits an individual younger than 18 years of age from temporarily selling lemonade or other nonalcoholic beverage from a stand on private property.

S.B. 80 (Hall) – Milk Regulation: (1) authorize a person who holds a permit to sell raw milk or raw milk products at retail to sell it directly to a consumer at the person’s place of business, the consumer’s residence, or a farmer’s market; (2) establish labeling, storing, handling, and transportation regulations on raw milk and raw milk products available for retail sale; and (3) repeal the authority of a city to adopt an ordinance that allows only pasteurized milk and pasteurized milk products to be sold at retail in that city.

HISTORIC

S.B. 226 (Fallon) – Monuments and Memorials: would: (1) define “monument or memorial” to include a permanent monument, memorial, or other designation, including a statue, portrait, plaque, seal, symbol, building name, park name, area name, or street name that honors an event or person of historical significance; (2) provide that a monument or memorial that has been located on city property for at least 20 years may be removed, relocated, or altered only by approval of a majority of voters of the city voting at an election held for that purpose, and prohibit the expenditure of public funds for any such removal, relocation, or alteration; (3) except from the prohibition in (2) the removal, relocation, or alteration of a monument or memorial that is necessary to accommodate construction, repair, or improvements to the monument or memorial or the surrounding property, and require that any permanent removal of the monument or memorial to be relocated to a prominent location; and (4) authorize the attorney general to enforce the prohibition in (2) through civil penalty and equitable relief.

HOMEOWNER ASSOCIATIONS (See Property Owner Associations)

HOUSING

IMPACT FEES

H.B. 44 (Romero) – Impact Fees: would require the Texas Department of Transportation to conduct a study on the use of city impact fees for roadway facilities.
MANUFACTURED HOUSING/INDUSTRIALIZED BUILDINGS/RV PARKS

MILITARY BASES, CONVERSIONS

MINERAL RIGHTS

MUNICIPAL UTILITY DISTRICTS

OIL, GAS AND PIPELINES, GAS WELLS

PRIVATE PROPERTY RIGHTS (Also Regulatory Takings)

OPEN MEETINGS/PUBLIC INFORMATION/NOTICE

H.B. 543 (Nevarez) – Public Information: would provide that a draft grant application that was prepared by or for a state agency or governmental entity with taxing authority may not be withheld under the agency memoranda exception of the Public Information Act under certain circumstances. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB000441B&QueryText=%22hb+44%22&DocType=B

S.B. 84 (Hall) – Right to Information: would: (1) give an elected or appointed member of the city council (public officer) a right of access to information of the city; (2) provide that a public officer is not required to: (a) obtain approval from the city council to request or obtain information; or (b) specify the purpose for which the information is requested; (3) require the city to provide information to a public officer, including confidential information or information otherwise excepted from disclosure, at no charge and not later than the 10th business day after receiving the request, or as soon as practicable as agreed by the city and the requestor; (4) require a city to provide information requested by a public officer in the manner and format requested, including by allowing: (a) unrestricted access to physical information; and (b) the requestor to make copies or other reproductions of the information; (5) prohibit a city from requiring a public officer to sign a confidentiality agreement in order to receive information; (6) require a public officer to use information only in a manner that maintains the confidential nature of the information and prohibit the disclosure or release to the public; and (7) provide that a city’s public information officer (PIO), or the officer’s agent, commits a Class A misdemeanor offense if, with criminal negligence, the PIO or the PIO’s agent fails or refuses to provide information to a public officer. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB000841B&QueryText=%22sb+84%22&DocType=B

PAYDAY/AUTO TITLE LENDING (see Credit Access Business – name they prefer)

PROFESSIONAL SERVICES

PROPERTY OWNERS’ ASSOCIATION

PUBLIC IMPROVEMENT DISTRICTS

REDEVELOPMENT

RELIGIOUS FREEDOM/LAND USE

RESIDENTIAL DEVELOPMENT

ROUGH PROPORTIONALITY

SEXUALLY ORIENTED BUSINESSES
SHORT TERM RENTALS
Ed. Note - LEGISLATURE MAY PREEMPT. LITIGATION NOW WITH CITY OF AUSTIN, CITY OF GRAPEVINE with STATE TAKING SIDE OF PROPERTY OWNER IN AUSTIN CASE
LOOK AT YOUR CURRENT DEFINITIONS- SEE IF THEY STILL MAKE SENSE IN LIGHT OF AIRBNB ETC

SIGNS

SPECIAL DISTRICTS, TRUSTS
H.B. 304 (Paul) – Municipal Management Districts: would make various changes to the governance and operation of municipal management districts.

STORMWATER AND DRAINAGE
H.B. 478 (Phelan) – Flood Projects: would, among other things: (1) require the Texas Water Development Board to adopt rules establishing criteria for flood control planning money that prioritizes counties with a median household income that is not greater than 85 percent of the median state household income; (2) define “flood control planning” to mean any work related to planning for flood protection, preparing applications for and obtaining regulatory approvals, activities associated with administrative or legal proceedings by regulatory agencies, and preparing engineering plans for structural and nonstructural flood mitigation and drainage; (3) create a flood infrastructure fund to make loans and grants to eligible political subdivisions; (4) provide that the fund consist of various sources of revenue including appropriations from the legislature, proceeds of general obligation bonds issued for the program, and repayments of loans made from the fund; and (5) require local governments to cooperate on large-scale flood planning and mitigation projects in order to receive loans and grants from the fund.

SUBDIVISION PLATTING

TAX ABATEMENT
H.B. 360 (Murphy) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029. (Companion bill is S.B. 118 by West.)

H.B. 499 (Button) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029. (Companion bills are H.B. 360 by Murphy and S.B. 118 by West.)

S.B. 118 (West) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2029.

TAX INCREMENT FINANCING

TRANSPORTATION
H.B. 262 (E. Thompson) – Red Light Cameras: would: (1) prohibit a local authority, including a city, from implementing or operating an automated traffic control system used to enforce speed limits or red lights; and (2) provide that a local authority that violates (1) is liable for certain civil penalties.

H.B. 537 (Murphy) – Red Light Cameras: would (1) require a local authority that has a photographic traffic signal enforcement system to: (a) contract with an independent engineering firm to conduct a traffic engineering study every five years; and (b) report the findings of the study to a citizen advisory committee; and (2) prevent a
local authority from imposing a civil penalty if it fails to conduct the study.
https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB005371B&QueryText=%22hb+537%22&DocType=B

H.B. 568 (Minjarez) – Neighborhood Electric Vehicles: would prevent a political subdivision or state agency from imposing a franchise or other regulation on a neighborhood electric vehicle.

S.B. 77 (Hall) – Red Light Cameras: would: (1) prohibit a governmental entity from using information from traffic surveillance technology (technology that records or reads license plates) for any purpose; and (2) except from the prohibition in (1) toll enforcement, school bus cameras, and certain technology that is physically held by a law enforcement officer.

S.B. 78 (Hall) – License Plate Readers: would provide that: (1) a law enforcement agency may use an automatic license plate reader; (2) images and any related data produced from an automatic license plate reader may be used only for a law enforcement purpose; (3) images and any related data produced from an automatic license plate reader used by a municipal parking enforcement authority may be used only by the authority to issue a citation at the time of an alleged violation of a vehicle parking ordinance; (4) images and any related data produced from an automatic license plate reader must be destroyed promptly after collection, unless the image or data is from a motor vehicle that: (a) is involved in a criminal offense or an ongoing criminal investigation; or (b) is registered to a person who is involved in a criminal offense or an ongoing criminal investigation; and (5) a law enforcement agency or municipal parking enforcement authority may not enter into an agreement with a private person to provide images or any related data produced from an automatic license plate reader to the person for a commercial purpose. Ed. Note – Not sure if this affects the collection of tolls.

TRANSPORTATION FUNDING

H.B. 71 (Martinez) – Creation/Funding of Regional Transportation Authorities: Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds and charge fees; creating a criminal offense.

H.B. 293 (Pickett) – Transportation Funding: would provide that: (1) in each state fiscal year beginning on or after September 1, 2011, (2021????) the comptroller shall deposit an additional 40 percent of the motor vehicle sales tax revenue in excess of the first $5 billion to the credit of the state highway fund; and (2) money deposited to the credit of the state highway fund under the bill may be appropriated only to: (a) construct, maintain, or acquire rights-of-way for public roadways other than toll roads; or (b) repay the principal of and interest on general obligation bonds issued for transportation projects. Ed. Note – Something is wrong with this, the bill with this number is totally different. Apparently State Representative Joe Pickett from El Paso resigned from the House of Representatives on January 4, 2019 citing health reasons.

TRANSPORTATION REINVESTMENT ZONES

TREES

UNFUNDED MANDATES

H.J.R. 30 (Burns) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2020, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement. (Companion bill is S.J.R. 10 by Buckingham.)

S.B. 62 (Zaffirini) – Unfunded Mandates: would create and spell out the duties of an unfunded mandate interagency work group.
S.J.R. 10 (Buckingham) – Unfunded Mandates: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2020, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue is not effective unless the legislature appropriates or otherwise provides, from a source other than the city or county revenue, for the payment or reimbursement of the costs incurred for the biennium in complying with the requirement.

UTILITIES

VESTING

WATER DISTRICTS

WIRELESS including CELLULAR FACILITIES
Ed. Note - NEW FCC ORDERS – Check with your cellular expert.

ZONING

Texas Legislative Service was founded in 1924 under motto "Nulla Lex Sine Luce" which translated means "No law without light"……From their website.

Interim Report: Senate Intergovernmental Relation Committee

ETJ Limitations and Notice Charge:
Review the existing regulatory authority granted to home rule municipalities within the extraterritorial jurisdiction (ETJ), including practices used by cities to expand ETJ boundaries, and whether proper notification is provided to property owners added to a city’s ETJ following an annexation proceeding. Determine the limitations that need to be placed on a city’s authority within the ETJ to better protect the private property rights of individuals and landowners, and ways to notify individuals of the impact of being within a city's ETJ. Develop a statewide rule and minimum requirements for such notifications.

Recommendations:
1. The legislature should encourage greater interaction in the planning phase of growth in municipalities in order to have better guided growth and to safeguard local and regional economies.
2. The legislature should consider continuing to monitor the implementation of the 85th Legislative Special Session’s annexation overhaul legislation (S.B. 6) to better determine its impact on municipalities in order to better provide municipalities with the ability to revitalize themselves and attract industry, retail businesses, and curtail urban migration. Specifically, the legislature should consider codifying the Dallas Court of Appeals’ ruling in regards to a city’s ability to enforce its building codes in their ETJ. (Editor’s Note: the opinion in Collin County v. City of McKinney v. Custer Storage Center concluded that “The City lacks authority to require a landowner developing property in its [extraterritorial jurisdiction] to obtain City building permits, inspections and approvals, and pay related fees.”)
3. In order to afford Texans greater transparency and certainty, the legislature should consider revisiting and supporting the passage of legislative initiatives from the 85th Legislative Regular Session that provided greater notice when a municipality is considering expansion of their ETJ, such as S.B. 655 by Senator Bettencourt. (Editor’s Note: that bill would have provided that: (1) a home rule city shall make publicly available a digital map (in addition to a paper map under current law) reflecting annexations and extraterritorial jurisdiction (ETJ) changes; (2) a city, before the 90th day after the date it adopts or amends an annexation plan, shall give written notice with certain provisions to each property owner in any area that would be newly included in the city’s extraterritorial jurisdiction as a result of the proposed annexation; (3) a home rule city, before the 90th day after the date it adopts or amends an annexation plan, shall create and make publicly available a digital map that identifies the area.
Recommendations:

1. The legislature should consider building on the success of urban land banks and consider encouraging more local units of government to engage in land banking by increasing opportunities of converting tax foreclosed property into affordable housing.

2. The legislature should consider encouraging more local units of government to work with their building communities and develop initiatives, such as the waiving of impact fees, to address affordable housing needs.

3. The legislature should consider building on the success of state housing entities and consider encouraging more public-private partnerships, especially with local units of government, to address affordable housing needs.

4. The legislature should consider providing communities that are economically distressed, and that are predominantly rural, the ability to have better guided growth by providing them the necessary statutory structure to prevent dilapidated housing conditions from spreading within their jurisdictions and incurring millions of tax dollars cost in mitigating public health threats.

5. The legislature should consider examining the structure of housing bond projects in the state and work with the appropriate governing agencies to ensure flexibility and better assist Texas developers maximize bond financing.

6. The legislature should consider establishing some basic state guidelines that provide better notice and transparency in the local permitting process (e.g., working with interested parties in setting a maximum amount of time a city may delay in making a determination of whether or not a building permit will be issued) and consider protecting property owners who have already obtained the necessary permits required to begin development or construction from being imposed new permit requirements after the initial permit was already acquired.

7. The legislature should consider the need for homeowners and the building industry to have greater transparency in the regulation of housing development and provide greater consistency by supporting initiatives that strengthen uniformity in the development of ordinances and permitting standards.

8. In order to find a better balance between property rights of homeowners and development needs of municipalities, the legislature should consider developing a means by which land use regulation better adheres with the model of development that provides a basic template that cities can use to reassess their existing land use regulations and provide greater opportunities for the development of affordable housing options within their jurisdiction.

9. In developing greater consistency, the legislature should consider undertaking a review of regulations promulgated by state agencies, such as the Texas Department of Transportation (TxDOT) and the Texas Commission on Environmental Quality (TCEQ), that impact development (e.g., right-of-way policies), and work with the appropriate stakeholders to better implement agency policies that are more cognizant of the needs of the home building industry.
10. The legislature should consider building on the success of urban land banks and statutorily provide counties with the necessary authority to engage in a county land bank program.

11. In order to better assist the public, private, and nonprofit communities that are the backbone of developing housing that addresses the housing needs in the state, the legislature should consider developing a task force to evaluate the state’s low income housing tax credit (LIHTC) program and ensure that it operates under a consistent set of rules that emphasize quality and availability of housing to meet housing demands in Texas. The legislature should consider directing the Task Force to develop reforms and initiatives that better guide LIHTC with consistent and seamless implementation that provide greater consideration to construction cost allowances which develop better housing development opportunities.

12. The legislature should consider supporting the passage of legislation that provides more upfront notifications and transparency in the municipal budget process, especially in regard to fee increases, and provides greater electronic access to concerned residents such as envisioned in S.B. 737 of the 85th Legislative Regular Session.

13. The legislature should consider supporting opportunities that encourage cities and counties to engage in pre-emergency planning and direct them to develop reconstruction and recovery plans that may be pre-approved by state government as part of their charter.

14. The legislature should consider supporting the ability of local governments to provide incentive programs and infrastructure investment project that benefit workforce and affordable housing.

15. The legislature should consider supporting the creation of greater opportunities for local units of government to develop affordable housing opportunities through the creation of Neighborhood Empowerment Zones, compiling foreclosed property, undertaking land trusts, and strategically limiting building permit and impact fees such as the successful undertaking by the Cities of San Antonio, Bryan, and Austin.

16. The legislature should consider encouraging local governments to adopt building codes, permit process and systems that speed up development and building processes without lowering quality.

17. The legislature should consider providing a manner by which incorporated areas make available residential locations that are appropriately zoned and affordable for people with modest means.

18. The legislature should consider supporting efforts to address the growing affordable housing needs in the state through a designated source to assist the developing of housing opportunities, including assisting developers with their impacts fees if the housing that is being produced is for affordable housing.

19. The legislature should consider supporting innovative state and private partnerships that provide increased resources to support financial literacy that will benefit existing and prospective homebuyers.