TXAPA/TML AFFILIATE LEGISLATIVE COMMITTEE
Planning/Development Legislation Update as of March 8, 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.
- Sunday, June 16, 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 - WORST PROPOSED LEGISLATION AFFECTING PLANNING, GROWTH & DEVELOPMENT OF CITIES .... 3
BILL SEARCH AND STATUS .................................................................................................................................................. 4
AFFORDABLE HOUSING .................................................................................................................................................. 4
AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION” ............................................................................................. 6
ALCOHOLIC BEVERAGES .................................................................................................................................................. 6
ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS ......................................................... 7
BATHROOMS ...................................................................................................................................................................... 9
BOARD OF ADJUSTMENTS ............................................................................................................................................... 9
BUILDING AND FIRE CODES/INSPECTION .................................................................................................................... 9
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code Enforcement</td>
<td>11</td>
</tr>
<tr>
<td>Comprehensive Plans</td>
<td>12</td>
</tr>
<tr>
<td>County/Rural Authority/Colonias</td>
<td>12</td>
</tr>
<tr>
<td>Credit Access Business/Payday/Auto Title Lending</td>
<td>13</td>
</tr>
<tr>
<td>Economic Development/Redevelopment</td>
<td>14</td>
</tr>
<tr>
<td>Emergency Management/Disaster Recovery</td>
<td>16</td>
</tr>
<tr>
<td>Emergency Service Districts (ESD’s)</td>
<td>18</td>
</tr>
<tr>
<td>Eminent Domain</td>
<td>19</td>
</tr>
<tr>
<td>Environment</td>
<td>20</td>
</tr>
<tr>
<td>Extraterritorial Jurisdiction</td>
<td>22</td>
</tr>
<tr>
<td>Gambling</td>
<td>22</td>
</tr>
<tr>
<td>Grants, Funding Agencies</td>
<td>24</td>
</tr>
<tr>
<td>Group Homes/Halfway Houses</td>
<td>24</td>
</tr>
<tr>
<td>Health Codes and Inspections</td>
<td>24</td>
</tr>
<tr>
<td>Historic</td>
<td>25</td>
</tr>
<tr>
<td>Home Rule Authority</td>
<td>26</td>
</tr>
<tr>
<td>Homeowner Associations (See Property Owner Associations)</td>
<td>27</td>
</tr>
<tr>
<td>Housing</td>
<td>27</td>
</tr>
<tr>
<td>Impact Fees</td>
<td>27</td>
</tr>
<tr>
<td>Manufactured Housing/Industrialized Buildings/RV Parks</td>
<td>27</td>
</tr>
<tr>
<td>Military Bases, Conversions</td>
<td>27</td>
</tr>
<tr>
<td>Mineral Rights</td>
<td>27</td>
</tr>
<tr>
<td>Municipal Utility Districts</td>
<td>27</td>
</tr>
<tr>
<td>Oil, Gas and Pipelines, Gas Wells</td>
<td>27</td>
</tr>
<tr>
<td>Open Meetings/Public Information/Notice</td>
<td>28</td>
</tr>
<tr>
<td>Payday/Auto Title Lending (See Credit Access Business – Name They Prefer)</td>
<td>29</td>
</tr>
<tr>
<td>Private Property Rights (Also Regulatory Takings)</td>
<td>29</td>
</tr>
<tr>
<td>Professional Services</td>
<td>29</td>
</tr>
<tr>
<td>Property Owners’ Association</td>
<td>29</td>
</tr>
<tr>
<td>Public Improvement Districts</td>
<td>29</td>
</tr>
<tr>
<td>Redevelopment</td>
<td>29</td>
</tr>
<tr>
<td>Religious Freedom/Land Use</td>
<td>29</td>
</tr>
<tr>
<td>Residential Development</td>
<td>29</td>
</tr>
<tr>
<td>Rough Proportionality</td>
<td>29</td>
</tr>
<tr>
<td>Revenue Caps</td>
<td>29</td>
</tr>
<tr>
<td>Sexually Oriented Businesses</td>
<td>30</td>
</tr>
<tr>
<td>Short Term Rentals</td>
<td>30</td>
</tr>
<tr>
<td>Solid Waste Facilities</td>
<td>31</td>
</tr>
<tr>
<td>Signs</td>
<td>32</td>
</tr>
</tbody>
</table>
TXAPA’s Dirty Dozen - Worst proposed legislation affecting planning, growth & development of cities

The Dirty Dozen reviews bill categories from the last legislature and what has been introduced this session. Ranked in priority order.

1. **Financing of Growth** – SB 2 and HB 2 caps city property tax revenue at a punitively low 2.5 percent. Every city is now affected by the bill which limits the ability to finance growth as well as public safety and roads. (See revenue caps) SB 652 (Campbell) – Certificates of Obligation & SB 915 (Birdwell) – Local Debt would appear to add additional limitations on debt issuance.

2. **Annexation** – Bills filed by Senators Campbell from New Braunfels(6 total-SB422, SB746, SB1327, SB1328, SB 449, SB1468), Bettencourt from Houston (4 total-SB1300, SB1301, SB1302, SB1303), Birdwell from Waco (3 total-SB 404, SB 408, SB745), Perry from Lubbock (SB 1024), Fallon from Prosper (SB1432) and Representatives P. King from Weatherford (HB 347), Burns from Cleburn (HB 1038), Cortez from San Antonio (HB2479), Guilen from Rio Grande City (HB3169). These 5 Senators and 4 representatives have filed 19 bills that would eliminate Tier I/involuntary annexation in all counties or would reduce petition requirement from 10% to 7%; would freeze annexations until after elections (could be months) and would have other detrimental impacts. See Annexation.

3. **Incorporation within existing ETJ’s** – If Senator Campbell did not cause enough problems for cities with his annexation bills, SB 1384 would repeal the current law that prohibits a new city from incorporating in the ETJ of another city. Unlike annexations, there is very little review of incorporations other than the petitions and voting. Boundary issues, inability to provide any services and even incorporation without electing the governing body have all recently taken place.

4. **ESD’s** – HB 1843 (E. Thompson) – Emergency Services Districts: Provides for petition expansion of ESD in ETJ and inside City limits. HB 2267 (Rodriguez) & SB 1083 (Zaffirini) would require a city to factor in sales tax revenue when city seeks to remove territory from district. (see ESD’s)
5. **Historic Zoning** – Only one of the four bills filed so far is a problem. HB 2496 (Cyrier) would not allow a city to designate a property as a local historic landmark unless the owner of the property consents.

6. **TIRZ’s** – HB 2494 (J. Gonzalez) and SB 1278 (West) would require a housing affordability impact statement as a part of the adoption process. This may be a good idea for large cities but adds an impediment for smaller ones trying to redevelop a downtown or commercial area.

7. **Payday Lending** – Of the seven bills introduced, everything appears to be positive legislation for cities.

8. **Short Term Rentals** – Four bills so far appear to clarify and support cities ability to regulate short term rentals.

9. **Billboards/TXDOT** – We can’t find anything introduced of a negative nature, especially requiring cities to pay for relocation.

10. **Transportation and Commuter Rail** – Can find no bills affecting commuter rail and only one bill, HB 1951 (Krause) – Toll Roads: would add numerous provisions related to and restricting toll road development.

11. **Trees** – We can’t find any bills on trees and TML is not tracking any bills. Ed. Note - What? After the last legislature made it a priority?

12. **Property rights/zoning/vesting** – Can find no bills TML is tracking on either vesting or property rights. However, SB 1304 (Bettencourt) would require written notice to property owners in both the city and the ETJ within two miles of the rezoning property line. (Makes it almost impossible to zone)

13. **Wireless** – no wireless or cell tower bills being tracked by TML. See Wireless for update on FCC, Federal Legislation and Court updates–

**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 below to “Texas Legislature Online” 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/](https://capitol.texas.gov/)

TML legislative information and links can be found at: [https://www.tml.org/319/Legislative-Information](https://www.tml.org/319/Legislative-Information)

**AFFORDABLE HOUSING**

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

**HB 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](https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB000591B&QueryText=%22hb+59%22&DocType=B)

**HB 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](https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB004161B&QueryText=%22hb+416%22&DocType=B)

HB 1215 (Collier) – Low Income Housing Tax Credits: would: (1) provide that the Texas Department of Housing and Community Affairs (“Department”) may require, as part of the threshold criteria under a qualified allocation plan (“QAP”), that a proposed development satisfy certain criteria relating to educational quality specified in the plan; (2) prohibit the Department from adopting a QAP that uses a scoring system to award points to an application for housing credits based on criteria relating to the educational quality applicable to a proposed development; and (3) require that the governing board of the Department ensure that the 2018 QAP conforms to the requirements of (1) and (2) above.

HB 1257 (Rosenthal) – Rental Housing: would repeal the provisions in current law that generally prohibits a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person’s lawful source of income to pay rent includes funding from a federal housing assistance program. (So, a city could adopt such a provision?) (Companion bill is HB 2187 (Rodriguez)

HB 1402 (Walle) – Affordable Housing: would provide that the public purpose of the Texas State Affordable Housing Corporation is to perform activities and services that the corporation’s board of directors determines will promote the public health, safety, and welfare through the provision of adequate, safe and sanitary housing and economic development opportunities primarily for individuals and families of low to moderate income and for persons who are eligible for loans under the home loan program. (Companion is SB 647 by Lucio.)

HB 1586 (Goodwin) – Affordable Housing: (See companion bill SB 544 by Watson.)

HB 1716 (Flynn) – Public Facilities Corporations: would provide, among other things, that certain public facilities corporation sponsors may finance, own, and operate certain multifamily residential developments.

HB 1839 (S. Thompson) – Affordable Housing: would authorize the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community in the same calendar year only if the developments are or will be located more than two linear miles apart, with some exceptions.

HB 1937 (Goldman) – Low-Income Housing: would provide for franchise and insurance tax credits for certain low-income housing developments.

HB 2186 (Rodriguez) – Housing Tax Credits: would: (1) allow, in all counties, the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community, in the same calendar year, if: (a) the developments are more than two miles apart; or (b) the applicant obtains prior approval of the development from the city council of the city containing the development; and (2) allow the department to adopt rules for specific geographic areas of the state. (Companion is SB 542 by Watson.)

HB 2187 (Rodriguez) – Rental Housing w/Federal Assistance: (See the identical bill HB 1257 by Rosenthal.)

HB 2646 (Gutierrez) – Affordable Housing-Veterans: would: (1) authorize the Veterans’ Land Board to establish a land bank program to acquire, hold, and transfer real property to provide affordable housing for veterans who are members of low income households; (2) provide that property that is ordered sold pursuant to foreclosure of a tax lien may be sold to a land bank described in (1); and (3) provide that taxing units that are a party to a foreclosure judgment must consent to the sale of property to a land bank.

HB 2943 (Button) – 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.

HJR 58 (Dutton) – Property Tax Exemption for low income housing: would amend the Texas Constitution to authorize the legislature to exempt from property taxation by one or more political subdivisions of this state property located near a public school or within a municipal management district that is owned by a person for the purpose of building low-income housing on the property. (See HB 1194, above.)

SB 493 (Alvarado) – Housing Tax Credits: would allow the Texas Department of Housing and Community Affairs to allocate housing tax credits to more than one development in a single community, in the same calendar year, if: (1) the developments are located in an area declared to be a disaster by the state; and (2) the communities are located within a county with a population that exceeds one million. 

SB 542 (Watson) – Housing Tax Credits: (See companion bill HB 2186 by Rodriguez)

SB 543 (Watson) – Housing Tax Credits: would prohibit the Texas Department of Housing and Community Affairs (department) from allocating housing tax credits to a development proposed by an applicant who owns one or more existing developments supported by housing tax credits unless the applicant agrees, as part of any conditions imposed by the department in connection with the allocation of housing tax credits for the proposed development, to waive the applicant’s right to sell any existing development through the use of a qualified contract during the extended use period.

SB 544 (Watson) – Affordable Housing: would: (1) require the Texas Department of Housing and Community Affairs to allocate up to 15 percent of set-aside funds (funds for small cities and rural areas that do not qualify for funds under the Cranston-Gonzalez National Affordable Housing Act) to participating jurisdictions as necessary to meet the requirements of federal law; and (2) provide that eligibility to apply for set-aside funds is determined by federal law, and must be allocated by the department in accordance with any applicable spending plan required under federal law. (Companion bill is HB 1586 (Goodwin)

SB 545 (Watson) – Affordable Housing: would require that the preapplication, application, evaluation, and scoring of certain applications for housing funds administered by the Texas Department of Housing and Community Affairs provide for written notice to: (1) any neighborhood organization on record and in good standing with the secretary of state; or (2) if applicable and verifiable, the county or city in which the development described in the application is to be located and whose boundaries contain the proposed site.

SB 546 (Watson) – Housing Authorities: would provide that a person who is a recipient of housing assistance administered through a municipal housing authority’s choice voucher program or project-based rental assistance program could be appointed as a commissioner of the authority.

SB 958 (Johnson) – Affordable Housing: would authorize the owner of a development subject to a right of first refusal to negotiate or enter into a purchase agreement with a public housing authority or a public facility corporation created by a public housing authority during the first 60-day period after notice regarding owner’s intent to sell in provided by the Texas Department of Housing and Community Affairs.

SB 1115 (Lucio) – Affordable Housing: would: (1) authorize counties to adopt land bank programs through which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain real property by private sale for purposes of affordable housing development; and (2) provide that other taxing units that are a party to a foreclosure judgement must consent to the sale of property to a land bank.

SB 1118 (Lucio) – Affordable Housing: would: (1) make various changes to programs operated by the Texas Department of Housing and Community Affairs (TDHCA); (2) require TDHCA to establish a grant program for the purpose of removing barriers in the home of a person with a disability; and (3) allow TDHCA to certify a local government entity to administer the program in (2).

AGENDA 21, RELATED “ANTI-PLANNING LEGISLATION”

ALCOHOLIC BEVERAGES

HB 1154 (Dutton) – Alcohol Sales: would provide that the Texas Alcoholic Beverage Commission may, on the request of the chief executive officer of a city, extend the hours during which alcoholic beverages may be sold and consumed in a licensed or permitted premises located in a hotel in the city during a special event that is being held in or near the city not to exceed 72 consecutive hours.

HB 1443 (S. Thompson) – Alcohol: would require that, not later than the 30th day after the date a prospective applicant for an alcoholic beverage permit or license requests certification, the city secretary or clerk certify
whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the permit or license is sought is prohibited by charter or ordinance. (Companion bill is SB 699 by Hall.)

SB 699 (Hall) – Alcohol: (See companion bill HB 1443 by S. Thompson.)

ANNEXATION, DEVELOPMENT, STRATEGIC PARTNERSHIP AGREEMENTS

HB 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 SB 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 SB 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.— (Companion bill is SB 745 (Birdwell)


HB 1038 (Burns) – Annexation: would modify the provisions of SB 6 (2017) that authorize a countywide election to adopt Tier 2 status to provide that a city must suspend any pending annexation if it receives notice from the county clerk of a verified petition. (Companion bill is SB 404 by Birdwell.)


HB 2479 (Cortes) – Annexation: (extremely onerous – see companion bill SB 746 by Campbell)


HB 3169 (Guillen) – Annexation: would provide that, until the 20th anniversary of date of annexation of an area that includes a permanent retail structure, a municipality may not prohibit a person from continuing to use the structure for the indoor seasonal sale of retail goods if the annexation became final on or after January 1, 2017, and the structure: (1) is more than 5,000 square feet; and (2) was authorized under the laws of this state to be used for the indoor seasonal sale of retail goods on the effective date of the annexation. (Note: This bill relates to the regulation of fireworks sales subsequent to annexation.)


SB 404 (Birdwell) – Annexation: would modify the provisions of SB 6 (2017) that authorize a countywide election to adopt Tier 2 status to provide that a city must suspend any pending annexation if it receives notice from the county clerk of a verified petition. (Companion bill is SHB 1038 by Burns)

https://capitol.texas.gov/Search/DocViewer.aspx?id=86RHSB004041B&querytext=%22sb+404%22&doctype=b

SB 408 (Birdwell) – Annexation: (See companion bill HB 347 by P. King.)


SB 422 (Campbell) – Extraterritorial Jurisdiction: would prohibit a city from imposing a fine or fee in certain areas located in the extraterritorial jurisdiction that have been dis-annexed or for which the city has attempted and failed to obtain consent for annexation.

https://capitol.texas.gov/Search/DocViewer.aspx?id=86RSB004221B&querytext=%22sb+422%22&doctype=b

SB 745 (Birdwell) – Annexation: (See companion bill HB 347 by P. King.)


SB 746 (Campbell) – Annexation: would modify the provisions of SB 6 (2017) that authorize a countywide election to adopt Tier 2 status to: (1) lower the petition threshold from 10 percent to seven percent of the registered voters in the county; and (2) provide that, in relation to Tier 2 cities; (a) if a city does not obtain the number of signatures on a petition required to annex an area, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date the petition period ended; and (b) if a majority of qualified voters do not approve a proposed annexation at an election called for that purpose, it may not annex any part of the area and may not adopt another resolution to annex any part of the area until the fifth anniversary of the date of the adoption of the resolution.

https://capitol.texas.gov/Search/DocViewer.aspx?id=86RSB007461B&querytext=%22sb+746%22&doctype=b
**SB 1024 (Perry) – Annexation:** would provide that: (1) a Tier 1 city shall provide access to services provided to an annexed area under a service plan that is identical or substantially similar to access to those services in the city; (2) a person residing in an annexed area subject to a service plan may apply for a writ of mandamus against a city that fails to provide access to services in accordance with (1); (3) in the action for the writ: (a) the court may order the parties to participate in mediation; (b) the city has the burden of proving that it complied with (1); (c) the person may provide evidence that the costs for the person to access the services are disproportionate to the costs incurred by a municipal resident to access those services; and (d) if the person prevails, the city shall dis-annex the property that is the subject of the suit within a reasonable period specified by the court or comply with (1) and court shall award person’s attorney’s fees and costs incurred in bringing the action for the writ; and (4) a city’s governmental immunity to suit and from liability is waived and abolished to extent of liability created by the bill.


**SB 1300 (Bettencourt) – Limited Purpose Annexation:** would provide that: (1) the qualified voters of a district annexed for limited purposes under a strategic partnership agreement are entitled to vote in municipal elections in the same manner as qualified voters of any other area annexed for limited purposes; and (2) residents of a district annexed for limited purposes under a strategic partnership agreement are not eligible to be a candidate for or to be elected to a municipal office.


**SB 1301 (Bettencourt) – Strategic Partnership Agreements:** would provide that: (1) an area may not be annexed for limited purposes pursuant to a strategic partnership agreement, unless a majority of the voters voting in an election approve the proposed agreement; (2) an agreement that provides for limited-purpose annexation must be for a term not to exceed six years, unless voters approve an extension at an election; and (3) existing agreements must be ratified by voters at an election.


**SB 1302 (Bettencourt) – Non-Annexation Development Agreements:** would provide that, in relation to the requirement to offer a non-annexation agreement to certain agricultural exempt property: (1) for purposes of a law, including a municipal charter or ordinance, relating to municipal authority to annex an area adjacent to the city, an area that is not adjacent or contiguous to the city but is adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the city only if the area subject to the agreement is adjacent or contiguous to the city; (2) the execution of a development agreement described extends the extraterritorial jurisdiction of the municipality only if the area subject to the agreement is adjacent or contiguous to that municipality; and (3) a city may not annex an area if the annexation creates an enclave unless the enclave is the subject of a development agreement.


**SB 1303 (Bettencourt) – Annexation/Extraterritorial Jurisdiction:** would provide 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 proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city’s ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city’s ETJ; (b) a description of the area that would be newly included in the city’s ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city’s ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation.

SB 1326 (Campbell) – Dis-annexation: would: (1) apply to an area that constitutes a portion of a real estate subdivision that is subject to a legal determination that the city failed to provide or agree to provide adequate services to the area; and (2) provide that, on petition of a majority of registered voters in the area, the city shall dis-annex the area.

SB 1327 (Campbell) – Dis-annexation: would: (1) apply to an area that constitutes a portion of a real estate subdivision that is: (a) located in and contiguous to the boundary of a city; (b) under the jurisdiction of a property owners’ association that governs the entire real estate subdivision; and (c) either subject to a legal determination that the city failed to provide or agree to provide adequate services to the area or adjacent to such an area; (2) provide that, on petition of a majority of registered voters in the area, the city shall dis-annex the area; and (3) provide that the area is not released from its pro rata share of certain indebtedness.

SB 1432 (Fallon) – Annexation: would essentially eliminate most unilateral annexations by any city, regardless of population or location. (See companion bill HB 347 by P. King.)

SB 1449 (Campbell) – Annexation: would provide that: (1) the disapproval of the proposed annexation of an area pursuant to an election required by SB 6 (2017) does not affect any existing legal obligation of the city proposing the annexation to continue to provide governmental services in the area, including water or wastewater services, regardless of whether the city holds a certificate of convenience and necessity to serve the area; and (2) a city that makes a wholesale sale of water to a special district may not charge rates for the water that are higher than rates charged in other similarly situated areas solely because the district is wholly or partly located in an area that disapproved of a proposed annexation under this subchapter.

SB 1468 (Campbell) – Annexation: would: (1) apply to a city that operates a municipally owned water utility and uses revenue from the utility partly for general municipal purposes or other purposes not related to the water utility; and (2) provide that such a city may not annex a water district for full purposes under the terms of an existing strategic partnership agreement, but rather must comply with the more restrictive annexation requirements enacted by SB 6 (2017).

BATHROOMS
HB 952 (Hernandez) – Diaper Changing Stations: would require a person that is constructing or renovating a building that has one or more public restrooms to provide a diaper changing station in at least one restroom designated for each gender or in at least one restroom not designated by gender.

HB 1041 (Walle) – Public Employer Bathroom/Infant Nursing: proposed statute says a “public employer must provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk”

BOARD OF ADJUSTMENTS
HB 2497 (Cyrier) – Board of Adjustment: would allow the following persons to appeal to the board of adjustment a decision made by an administrative official: (1) a person who filed an application that is the subject of the decision; or (2) a person who is the owner of property that is the subject of the decision.

BUILDING AND FIRE CODES/INSPECTION
HB 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.

HB 852 (Holland) – Permit Fees: (see companion bill by SB 855 Fallon below)

HB 1670 (Lambert) – Plumbing Regulation: would, among other things, transfer of the regulation of plumbing from the Texas Board of Plumbing Examiners (which the bill abolishes) to the Texas Department of Licensing and Regulation. (Companion bill is SB 621 by Lambert)

HB 1781 (Goldman) – Plumbing Work: would provide that a plumbing license holder who is supervising and controlling the work of a person engaged in the business of plumbing in the construction of a new one-family or two-family dwelling, including such a dwelling located in a city, must have training and management responsibility for, and shall review and inspect, the person’s work.

HB 1857 (Goldman) – Plumbing Work: would provide that: (1) a person is not required to be licensed to perform plumbing work consisting of installing, servicing, or repairing service mains, service lines, appurtenances, equipment, or appliances that provide water, sewer, or storm drainage services on private property in an area that extends from a public right of way or public easement to not less than five feet from a building or structure; and (2) the bill does not apply to 28 plumbing work performed on private property designated for use as a one-family or two-family dwelling. (Companion bill is SB 1034 by Buckingham)

HB 2101 (Carpiglione) – Re-Roofing Contractor Registration: would provide for state regulation of re-roofing contractors. Of interest to cities, the bill would provide that: (1) its requirements do not apply to an authorized employee or representative of the United States government, this state, or a county, municipality, or other political subdivision of this state acting in an official capacity; and (2) a registered re-roofing contractor shall comply with each applicable: (a) building code adopted by this state or a political subdivision of this state; and (b) order, ordinance, or rule of a political subdivision relating to the issuance of a permit for or the performance of a re-roofing project in the political subdivision. (Companion bill is SB 1168 by Zaffirini.)

HB 2439 (Phelan) – Building Materials and Methods: would provide that: (1) a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, or other regulation that prohibits, directly or indirectly, the use of a building product, material, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure if the building product, material, or method is approved for use by a national model code that: (a) is adopted by the governmental entity; and (b) governs the construction, renovation, use, or maintenance of buildings and building systems; (2) a rule, charter provision, ordinance, order, or other regulation adopted by a governmental entity that conflicts with the bill is void; (3) the attorney general may bring an action in the name of the state to enjoin a violation of the bill; and (4) the attorney general may recover reasonable attorney’s fees and costs incurred in bringing an action under the bill. (Companion bill is SB 1266 by Buckingham) (Ed Note – Would this prohibit masonry requirements if various types of wood siding meet national codes? Preclude design standards such as historic guidelines, planned development or overlay districts with agreed upon architecture, etc.?)

HB 2546 (Guillen) – Industrialized Housing and Buildings: would provide that a manufacturer or builder of industrialized housing or buildings may construct industrialized housing or buildings in accordance with the energy efficiency performance standards outlined in: (a) the energy efficiency chapter of the International Residential Code; or (2) a local amendment to that code that is applicable to the city or county in which the industrialized housing or buildings will be located and determined by the State Energy Conservation Laboratory to be equally or more stringent than the state-adopted version of the energy efficiency chapter of the International Residential Code.

HB 2654 (Rosenthal) – School Construction Standards: would mandate certain school construction standards, including locks on all doors and numerous other requirements, to provide for the safety of children in an emergency.

HB 2858 (Toth) – Swimming Pools: would provide that: (1) to protect the public health, safety, and welfare, the International Swimming Pool and Spa Code, as it existed on May 1, 2019, is adopted as the municipal swimming pool and spa code in this state; (2) the code applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a city that elects to regulate pools or spas; (3) a city may
establish procedures for the administration and enforcement of the code; and (4) a city may review and adopt
amendments made by the International Code Council to the code after May 1, 2019.

**HB 2880 (Zwiener) – Water Conservation Technology:** would provide that the Texas State University
Meadows Center for Water and the Environment shall: (1) study whether state and local building codes and other
requirements hinder the use of water conservation technology, including xeriscaping, greywater use, reclaimed
water use, and rainwater harvesting; and (2) submit to the governor, lieutenant governor, and the speaker of the
house a report on the findings of the study.

**HB 3050 (Hinojosa) – Home Sales Price:** would repeal the provision in current law that prohibits a city from
adopting a requirement in any form, including through an ordinance or regulation or as a condition for granting a
building permit, that establishes a maximum sales price for a privately produced housing unit or residential building lot.

**HB 3156 (Capriglione) – Re-Roofing Contractors:** would create a state registration program for re-roofing contractors through the Texas Department of Licensing and Regulation and provide that: (1) municipal employees are exempt from registration; (2) a county or municipal building official may not grant or approve a building or construction permit for a reroofing project unless the applicant for the permit is a registered reroofing contractor or exempt from registration under the bill; (3) on request of a county or municipal building official, the department shall verify the registration of an applicant through a verification system established to ensure a timely response to a request for verification of a registration; (4) an advisory board, including a municipal official, is created to advise the department; and (4) a registered reroofing contractor shall comply with each applicable: (a) building code adopted by this state or a political subdivision of this state; and (b) order, ordinance, or rule of a political subdivision relating to the issuance of a permit for or the performance of a reroofing project in the political subdivision.

**SB 621 (Lambert) – Plumbing Regulation:** would, among other things, transfer of the regulation of plumbing from the Texas Board of Plumbing Examiners (which the bill abolishes) to the Texas Department of Licensing and Regulation. (Companion bill is HB 1670 by Lambert.)

**SB 855 (Fallon) – Building Permit Fees:** would provide that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit. (Companion bill is HB 852 by Holland.)

**SB 968 (Hancock) – Charter Schools:** would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development (See zoning for full caption)

**SB 1034 (Hancock) – Plumbing Work:** (See companion bill HB 1857 by Goldman)

**SB 1106 (Buckingham) – Plumbing Codes:** would provide that: (1) the Texas Board of Plumbing Examiners shall adopt the 2015 edition of the International Plumbing Code; and (2) in adopting a code for the design, installation, and maintenance of a plumbing system, a city may amend any provisions of the code to conform to local concerns that do not substantially vary from board rules or other rules of this state. Ed Note – This is actually a good bill supported by ICC and by BOAT. The TXAPA legislative committee is changing the designation to supported.

**SB 1168 (Zaffirini) - Re-Roofing Contractor Registration:** (See companion bill by HB 2101 Carpiglione)

**SB 1266 (Buckingham) – Building Materials and Methods:** (See companion bill HB 2439 by Phelan.) Ed. Note – These two bills appear to preclude cities from enforcing masonry requirements.

**CODE ENFORCEMENT**

**HB 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.

**HB 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.


**HB 715 (Ortega) – Substandard Structures:** would remove the requirement that ad valorem taxes be delinquent on all or part of a property when a city seeks to foreclose a lien on property in a judicial proceeding where: (1) the building or other structure on the property has been demolished; and (2) a lien for the cost of the demolition has been created and that cost has not been paid more than 180 days after the lien was filed.


**HB 2584 (Cortez) – Code Enforcement Officers:** (1) exempts a code enforcement officer from prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) require the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites. (Companion bill is HB 764 by Menendez.)

**HB 2596 (White) – Chickens:** (See companion bill SB 86 by Hall.)

**SB 86 (Hall) – Regulation of Raising Six or Fewer Chickens:** (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) (Companion bill is HB 2596 by White)


**SB 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 HB 36 by Ortega.)


**SB 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 HB 280 by Ortega.)


**SB 684 (Flores) – Code Enforcement Officers:** would: (1) exempt a code enforcement officer from the prohibition on carrying a club, if the officer holds a certificate of registration as a code enforcement officer and is carrying the club to deter animal bites while the officer is on duty; and (2) require the Texas Commission of Licensing and Regulation to include educational training requirements regarding the principles and procedures to be followed when possessing or carrying an instrument used for deterring animal bites.

**SB 764 (Menendez) – Code Enforcement Officers:** (See SB 684 Flores)

**COMPREHENSIVE PLANS**

**HB 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/COLONIAS**
CREDIT ACCESS BUSINESS/PAYDAY/AUTO TITLE LENDING
(Also see "Payday Lending Clearinghouse" webpage, available at www.tml.org/payday-updates

Update - On February 6, the federal Consumer Financial Protection Bureau issued proposed changes to federal rules regulating payday lending. The current rules contain a provision that requires a lender to ensure that a borrower can afford to repay a payday loan prior to issuing it. This “ability to pay” or “underwriting requirement” standard is a key consumer protection component, and it would be eliminated under the proposed changes. The CFPB’s web page contains a summary explanation. A comment period will begin once the proposed changes are published in the Federal Register. See Payday Lending Clearinghouse webpage above)

HB 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.


HB 242 (Bernal) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is 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; 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; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer’s gross monthly 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 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; (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 refinace 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.


HB 874 (Walle) – 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. (Companion bill is SB 182 by Miles.)

HB 1258 (Craddick) – 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 monthly 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 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 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 refinace 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.

HB 1786 (Rosenthal) – Payday Lending: would provide that state regulatory authority of credit services organizations encompasses the extension of consumer credit.

SB 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.

SB 182 (Miles) – Payday Lending: (see companion bill HB 874 by Walle)

ECONOMIC DEVELOPMENT/REDEVELOPMENT
HB 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 SB 132 by Hinojosa.)
HB 390 (Blanco) – Defense Communities: would make various changes relating to defense economic readjustment zones.

HB 1000 (Paddie) – Rural and Opportunity Fund: would create: (1) the rural and opportunity fund in which the Texas Economic Development and Tourism Office will accept and approve applications from cities in the qualified areas to use the money for credit-eligible capital contributions to create or retain jobs for targeted small businesses; and (2) a tax credit for entities participating in the rural and opportunity fund against the entity’s state insurance tax liability.

HB 1221 (Patterson) – Economic Development Corporation: would allow an economic development corporation to do a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; and/or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities; by an election ordered by either (1) a majority of the city council or (2) a petition of 10% of the number of voters participating in the last general election held by the city.

HB 1252 (Rodriguez) – Grocery Access Investment Fund Program: would require the Texas Department of Housing and Community Affairs (TDHCA) to establish the Texas grocery access investment fund program to provide financing to construct, rehabilitate, or expand grocery stores, mobile markets, farm stands, and other eligible projects as determined by the TDHCA to increase food access in underserved law-income and moderate-income areas.

HB 1588 (Metcalf) – Economic Development Corporations: would require an economic development corporation to turn in its annual report to the comptroller by April 1st of each year. (Companion Bill: SB 450 by Powell.)

HB 2799 (Sanford) – Economic Development: would: (1) provide that information about a financial or other incentive being offered by a governing body to a business prospect is considered public; (2) authorize the owner of taxable real property located in a city to apply to the city council for a tax abatement; (3) provide that, if the city council elects to approve the application under (2), above, the council must do so by an affirmative vote of a majority of the members of the council at a regularly scheduled city council meeting; (4) provide that a city council may approve an application for tax abatement before the property is located in a reinvestment zone; (5) prohibit the city council from entering into a tax abatement agreement unless the council has approved an application for the tax abatement; (6) prohibit the city council from holding the meeting to approve the agreement earlier than the 90th day after the date the city council approves the application for the tax abatement; and (7) prohibit a city council from holding an executive session for purposes of economic development negotiation.

HB 3126 (Herrero) – Economic Development: would authorize a county to enter into an economic development agreement to stimulate business and commercial activity within the incorporated areas of the county.

SB 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 HB 31 by Longoria.)

SB 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.


SB 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.


SB 350 (Powell) – Property Tax Abatement: would repeal the statute providing an expiration date on the authority to enter into property tax abatement agreements, effectively extending property tax abatement authority indefinitely.


SB 450 (Powell) – Economic Development Corporations: would require an economic development corporation to turn in its required report to the comptroller by April 1st of each year rather than February 1.


SB 776 (Zaffirini) – Agriculture and Rural Ombudsman Office: would require the office of the governor to establish an agriculture and rural ombudsman office within the Texas Economic Development and Tourism office for the purpose of assisting agriculture business and other businesses located in rural areas.

SJR 43 (Bettencourt) – Freeport Property Tax Exemption: would amend the Texas Constitution to extend from 175 to 365 the number of days by which Freeport goods must be transported outside the state in order to be exempt from property taxation.


EMERGENCY MANAGEMENT/DISASTER RECOVERY

HB 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, text 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.

HB 137 (Hinojosa) – Hazardous Dam Reporting: would require the Texas Commission on Environmental Quality to provide a report of a dam that has a hazard classification of high or significant to the emergency management director for the political subdivision in which the dam is located.


HB 1294 (S. Davis) – Emergency Management Training: would modify current law to require an officer, employee or volunteer of the state or of a political subdivision who has management or supervisory responsibilities and whose duties include emergency management responsibilities or has a role in emergency preparedness, response or recovery, to complete emergency management training.

HB 1296 (S. Davis) – Disaster Case Management System: would require the General Land Office develop and maintain an electronic disaster management case system for purposes of collecting information needed to provide disaster assistance to individuals.

HB 1299 (S. Davis) – Disaster Expenditure Database: would: (1) require the Texas Comptroller establish and maintain, on the internet, an electronically searchable database that contains, for each political subdivision, including a city: (a) the total amount budgeted and spent by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision; and (b) the total amount received by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision from the following categories, stated as a total amount and a per category amount: (i) the federal government; (ii) the state government; (iii) another public entity, including another political subdivision; and (iv) a private entity, including an insurance company or nonprofit charitable organization; and (2) require each political subdivision, at the end of the fiscal year, prepare and file with the comptroller an annual report, in a form prescribed.

HB 1917 (Murphy) – Disaster Response Loan Fund: would, among other things: (1) create a $1 billion disaster response loan fund with funds appropriated from the economic stabilization fund; (2) provide that the fund shall be maintained outside the state treasury and implemented and maintained by the Texas Comptroller; (3) provide that the fund may be used only to provide short-term loans for disaster relief or recovery projects to a political subdivision that is located wholly or partly in an area declared by the governor to be a disaster area and that the Federal Emergency Management Agency has determined is eligible to receive financial assistance from the agency in response to the disaster; (4) provide that a loan described in (3) shall: (a) be made at or below market interest rates for a term not to exceed two years; and (b) be expended solely for disaster relief and recovery; (5) provide that a loan may not be awarded if the award would affect the political subdivision’s receipt of federal money that the political subdivision is eligible to receive as a result of the disaster; (6) require that the Comptroller and General Land Office jointly develop and implement a loan application process; and (7) provide that the Comptroller may charge an applicant for a loan a fee sufficient to cover the costs of processing a loan application.

HB 2305 (Morrison) – Emergency Management Training: would provide that the Texas Division of Emergency Management shall establish a work group of persons knowledgeable on emergency management to study and develop a proposal for enhancing the training and credentialing of emergency management directors, emergency management coordinators, and other emergency management personnel on the state or local level.

HB 2560 (Bailes) – Catastrophic Debris Management Plan: would provide that: (1) the Texas Division of Emergency Management shall develop a catastrophic debris management plan and model guide for use by political subdivisions in the event of a disaster that provides for the following: (a) a guide for clearance and disposal of debris caused by a disaster, including information on preparing for debris removal before a disaster; (b) provisions for the use of trench burners and air curtain incinerators of vegetative debris, including identifying sources of equipment for use immediately following a disaster; and (c) procedures for: (i) vegetative debris burning; (ii) coordination of clearance and disposal of debris; (iii) obtaining equipment necessary for use immediately following a disaster; and (iv) interaction between political subdivisions and state and federal agencies; and (2) the Texas A&M Engineering Extension Services shall establish a training program for state agencies and political subdivisions on the use of trench burners in debris removal.

HB 3024 (Deshotel) – Coastal Barrier System: would require a study to determine the feasibility of a coastal barrier system.
SB 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.

SB 594 (Kolkhorst) – Disaster Recovery: would: (1) create a business advisory council on disaster recovery and mitigation to advise the Commissioner of the General Land Office on various issues, including disaster recovery mitigation and resilience related to housing, issues faced by local governments, and solutions to address inefficiencies or problems in local governmental disaster response; and (2) provide that the council in (1) consist of representatives of banking and insurance, construction, manufacturing, oil and gas, tourism and hospitality, and small business.

SB 799 (Alvarado) – Disaster Recovery: would create a business advisory council, composed of members who represent business, to provide advice on economic recovery following a disaster, including proposed solutions to address inefficiencies or problems in local governmental disaster response with respect to the impact on business and the economy.

SB 983 (Kolkhorst) – Study on Disaster Recovery Efforts: would: (1) create a work group consisting of representatives of local, state, and federal governmental entities and private entities who are appointed by the lieutenant governor and the speaker of the house of representatives to conduct a study on local restrictions that impede disaster recovery efforts; and (2) provide that the study must include: (a) an overview of official actions by governing bodies of political subdivisions and requirements imposed by deed restrictions on property owners’ associations that impede state and federal disaster recovery efforts; and (b) recommendations for minimizing the effect of the official actions and requirements described in (2)(a) on state and federal disaster recovery efforts.

SB 984 (Kolkhorst) – Suspension of Local Laws During Disaster: would provide that: (1) upon declaration of a state of disaster, the governor by executive order may suspend an order or regulation issued by a county, municipality or other political subdivision or by a property owners’ association to allow for the removal of debris and the placement of temporary housing within the disaster area; and (2) such executive order must specify a limited, defined time for the suspension.

SB 986 (Kolkhorst) – Emergency Management Contracts: would provide that: (1) the Comptroller shall: (a) update the contract management guide to include contract management standards and information for contracts related to emergency management; and (b) develop such standards in consultation with the Texas Division of Emergency Management, Texas A&M AgriLife Extension Service, Texas A&M Engineering Extension Service, and local governmental entities; and (2) the contract management guide must include: (a) preferred contracting standards; (b) information on contracts for services that may be necessary to respond to a natural disaster or to construct, repair, or rebuild property or infrastructure after a natural disaster, including clearing debris and providing information management services and construction services; and (c) advice on preparing for a natural disaster, including procedures for contracting for services described in (2)(b) before a natural disaster occurs.

EMERGENCY SERVICE DISTRICTS (ESD’s)

HB 1843 (E. Thompson) – Emergency Services Districts: would: (1) require an emergency services district to receive the written consent of a city council if it seeks to expand the district to include territory in a city’s limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction that would have been included in the district may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the district; (4) require an emergency services district to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of a district into its city limits or extraterritorial
jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council’s consent to expansion of a district expires six months after the date consent is given; and (7) provide that this bill does not apply if a district proposes to expand in the unincorporated area of a county with a population of 3.3 million or more.

HB 2267 (Rodriguez) – Emergency Services Districts: would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

SB 1083 (Zaffirini) – Emergency Services Districts: would require a city to factor in sales tax revenue in the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

EMINENT DOMAIN

HB 991 (Burns) – Eminent Domain: (1) define a “private entity” as “a corporation, including a water supply corporation, authorized to exercise power of eminent domain to acquire private property for public use and any affiliate or subsidiary of or entity related to the corporation;” (2) provide that private entity is subject to numerous additional processes and remedies throughout eminent domain process; and (3) provide that in a proceeding involving any condemnor, including a city – in estimating injury or benefit to property taken, the special commissioners shall consider an injury or benefit that is peculiar to the property owner and that relates to the property owner’s ownership, use, or enjoyment of the particular parcel of real property, including an injury or benefit to the remaining property as a result of: (a) the characteristics of any infrastructure on the condemned property, including the size or visibility of the infrastructure or the pressure or voltage range provided by the infrastructure; (b) any limitation of future expansion on the remaining property; and (c) a provision in an easement acquired in connection with, or the alignment of an easement in connection with, the condemnation. (Companion bill is SB 421 by Kolkhorst.)


HB 1157 (C. Bell) – Eminent Domain: would provide, among other things, that: (1) after making a bona fide offer, an entity with eminent domain authority shall disclose to the property owner any new, amended, or updated appraisal report produced or acquired by or on behalf of the entity after making the offer and used in determining the entity’s opinion of value; (2) a disclosure required by (1) must be made not later than the earlier of: (a) the 10th day after the date the entity receives the appraisal report; or (b) the third business day before the date of a special commissioner’s hearing if the appraisal report is to be used at the hearing; and (3) a court shall dismiss a condemnation proceeding if the court finds that the party that filed the condemnation petition failed to comply with various provisions relating to making a bona fide offer.


HB 1245 (Ashby) – Eminent Domain Bill of Rights: (See companion bill SB 552 by Schwertner)

HB 1246 (Ashby) – Eminent Domain: would: (1) provide that the required landowner’s bill of rights must disclose that a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation; and (2) a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation. (Companion bill is SB 553 by Schwertner.)

HB 1253 (Leman) – Eminent Domain Repurchase: would, in relation tolling a property owner’s right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity’s governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is SB 554 by Schwertner.)
HB 1987 (Leman) – Eminent Domain Reporting: would, in addition to the annual eminent domain reporting requirement in current law, provide that: (1) a city must report: (a) any court proceeding filed to determine the validity or extent of the city’s eminent domain authority, including the number and style of the proceeding and the court in which the proceeding is pending; and (b) the outcome of the court proceeding reported under (a); and (2) if a city reports information under (1), the comptroller shall reflect the city’s challenged eminent domain status by including the city on a separately-maintained list.

HB 2862 (Landgraf) – Eminent Domain: (1) the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned shall appoint, not later than the third day after the date the condemnation petition is filed, three disinterested real property owners who reside in the county as special commissioners to assess the damages of the owner of the property being condemned; (2) the judge shall provide the owner of the property being condemned and the condemnor a reasonable period not to exceed 20 days after the date of the appointment to strike one of the three commissioners appointed by the judge; (3) if a person fails to serve as a commissioner or is struck by a party to the suit, the judge shall appoint a replacement not later than the third day after the date the judge receives notice that the appointee will not serve or is struck.


SB 552 (Schwertner) – Eminent Domain Bill of Rights: would provide that the required Landowner’s Bill of Rights must include: (1) the condemning entity’s obligations to the property owner, including the responsibility for any damages arising from an examination or survey of the property; (2) the property owner’s options during a condemnation, including the property owner’s right to: (i) refuse to grant permission to the condemning entity to enter the property and conduct an examination or survey of the property; and (ii) negotiate the terms of the examination or survey of the property; and (3) the condemning entity’s right to sue for a court order authorizing the examination or survey if the property owner refuses to grant permission for the examination or survey. (Companion bill is HB 1245 by Ashby.)

SB 553 (Schwertner) – Eminent Domain: (See companion bill HB 1246 by Ashby.)

SB 554 (Schwertner) – Eminent Domain Repurchase: (See companion bill HB 1253 by Leman)

SB 555 (Schwertner) – Eminent Domain: (See companion bill HB 1247 by Ashby.)

ENVIRONMENT
HB 522 (Allen) – Air Contaminant Permitting: would require the Texas Commission on Environmental Equality, 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. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB005221B&QueryText=%22hb+522%22&DocType=B

HB 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. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB006541B&QueryText=%22hb+654%22&DocType=B

HB 798 (Walle) – Concrete Batch Plants: would require a plot plan for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB007981B&QueryText=%22hb+798%22&DocType=B

HB 999 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed concrete plant may request a public hearing prior to the construction or permitting of the concrete plant. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB009991B&QueryText=%22HB+999%22&DocType=B
HB 1280 (Allen) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant. (Companion bill HB 1310 by Dutton.)

HB 1345 (S. Thompson) – Texas Emissions Reduction Plan: would extend the expiration dates of various state TERP fees from August 31, 2019, until the current non-attainment areas come into attainment. (Companion bills are HB 1043 by Blanco and SB 531 by Birdwell.)

SB 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.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB001801B&QueryText=%22sb%20180%22&DocType=B

SB 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.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB002081B&QueryText=%22sb%20208%22&DocType=B

SB 417 (Miles) – Concrete Permitting: would: (1) require an application for a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing to include a plot plan for the facility; (2) require that a standard permanent concrete plant that performs wet batching, dry batching, or central mixing located in an area not subject to municipal zoning to be located at least 440 yards from any residence, school, place of worship, public park, or outdoor recreational facility used for organized sporting events during the time the facility is used for those events; (3) require an additional public hearing for concrete plant permits in the county where the plant will be located; and (4) prohibit concrete crushing facilities within 440 yards of any residence, school, place of worship, public park, or outdoor recreational facility used for organized sporting events during the time the facility is used for those events, with some limited exceptions.

https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB004171B&QueryText=%22sb%20417%22&DocType=B
SB 534 (Birdwell) – Clean Air Act: would require that, at least 20 days before the date scheduled for a hearing, the Texas Commission on Environmental Quality provide notice of the hearing to adopt a proposed rule to safeguard the state’s air resources from pollution on TCEQ’s website and allow TCEQ to provide notice by other means, including by electronic transmission or newspaper publication. SB 551 (Kolkhorst) – Solid Waste Facility Permits: would: (1) require the Texas Commission on Environmental Quality to deny a permit application for a solid waste facility that TCEQ finds to be incomplete or inaccurate, if a previous version was returned as incomplete or inaccurate; and (2) prohibit TCEQ from approving a subsequent application for a solid waste facility at the site that was the subject of the denied permit application.

SB 573 (Miles) – TCEQ Permitting Notice: (See Companion bill HB 654 by Dutton.)

SB 694 (Campbell) – Aggregate Production Operations: would: (1) provide that the Texas Commission on Environmental Quality may conduct, for a period of not more than one year, unannounced periodic inspections of an aggregate production operation that in the preceding two-year period has been issued a notice of violation by TCEQ for a violation of an environmental law or rule; (2) increase the maximum registration fee for aggregate production operations to $1,500; and (3) increase the maximum penalty to $20,000 for an aggregate production operation that is unregistered.

SB 698 (Birdwell) – Clean Air Act Permits: would provide that the Texas Commission on Environmental Quality may: (1) add a surcharge for an expedited application for a Clean Air Act permit to cover, among other things, the costs of full-time equivalent TCEQ employees to support the expedited processing of air permits and that money from the surcharge collected may be used to support the expedited processing; (2) authorize the use of overtime, full-time equivalent TCEQ employees to support the expedited processing of air permit applications; and (3) pay for compensatory time, overtime, full-time equivalent TCEQ employees supporting the expedited processing of air permit applications used in expedited permitting; and (4) set the rate for overtime compensation for full-time equivalent TCEQ employees.

SB 1247 (Miles) – Concrete Plant Public Hearing: would provide that only a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

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

HB 2445 (Parker) – Crime Control and Prevention Districts: would authorize a city to add all or part of the extraterritorial jurisdiction to a crime control and prevention district, and authorize the district to impose a tax if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added.

SB 1303 (Bettencourt) – Annexation/Extraterritorial Jurisdiction: See Annexation.

SB 1384 (Campbell) – Municipal Incorporation: would modify the provisions in current law relating to the incorporation of a city or the creation of a special district in the extraterritorial jurisdiction of an existing city by: (1) repealing the provision in current law that prohibits a city from incorporating in the ETJ of another city; (2) providing that those who wish to create a special district in a city’s ETJ must first request that municipal services be provided to them, and – if the city refuses to do so – may then create the district.

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

HB 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 HJR 36, below.)
HB 914 (S. Thompson) – Bingo Regulation: would: (1) provide that cities could impose a bingo prize tax if the governing body votes to impose the tax before November 1, 2019; (2) authorize the Texas Lottery Commission (Commission) to make a determination that a licensed bingo organization engages in illegal gambling and is detrimental to other licensed bingo organizations; (3) terminate a city’s entitlement to its share of a bingo prize tax if the Commission makes the determination in (2), above, and provide a process for a city to challenge the Commission’s determination; and (4) provide that a city currently entitled to receive a bingo prize fee (cities that had a gross receipts tax on charitable bingo operations in place as of January 1, 1993) may only continue to receive those funds if: (a) a majority of the governing body approves the continued receipt of the funds and notifies the Commission of that decision no later than November 1, 2021; and (b) notifies each licensed authorized bingo organization within the city of the continued imposition of the tax.

HB 1533 (Collier) – Game Rooms: (See companion bill SB 1470 by Powell)

HB 1775 (Middleton) – Eight-Liners: would, among other things: (1) amend the definition of “gambling device” in the Texas Penal Code to include an eight-liner; (2) provide a defense to prosecution for using certain gambling devices; and (3) repeal county authority to regulate eight-liners.

HB 1972 (Collier) – Game Rooms: would: (1) clarify that certain game room regulations do not limit the authority of a home-rule city to enforce its game room zoning regulations; and (2) authorize a county to enter into an interlocal agreement with a city to regulate the operation of a game room or amusement redemption machine. (Companion bill is SB 1469 by Powell)

HB 2669 (Guillen) – Social Gaming: would authorize social gaming establishments and provide for their regulation by the Texas Department of Licensing and Regulation.

HB 3043 (Gutierrez) – Casino Gambling: would allow up to 12 casinos in this state pursuant to a county approval election. (See HJR 100, below.)

HJR 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 HB 78, above.)

HJR 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 HB 494, above.)

HJR 49 (Dutton) – Casino Gambling: would amend the Texas Constitution to allow up to five casinos in this state pursuant to a county approval election.

HJR 67 (Pacheco) – Gambling: would amend the Texas Constitution to provide that the legislature shall authorize casino gaming in a limited number of cities if approved at a local option election in the city.

HJR 78 (Beckley) – Casino Gambling: would amend the Texas Constitution to allow up to six casinos in this state in six enumerated counties.

HJR 100 (Gutierrez) – Casino Gambling: would amend the Texas Constitution to allow up to 12 casinos in this state pursuant to a county approval election. (See HB 3043, above.)

SB 376 (Hall) – Eight-Liners: would, among other things: (1) amend the definition of “gambling device” in the Texas Penal Code to include an eight-liner; (2) provide a defense to prosecution for using certain gambling devices; and (3) repeal county authority to regulate eight-liners.

SB 889 (Menendez) – Gambling: would authorize certain forms of gambling and provide that a portion of a gaming tax on casinos be used to fund the Texas Windstorm Insurance Association. (See SJR 41, below.)

SB 1469 (Powell) – Game Rooms: (See companion bill HB 1972 by Collier)
SB 1470 (Powell) – Game Rooms: would authorize a political subdivision to adopt zoning regulations to govern the exhibition of a music or skill or pleasure coin-operated machine. (Companion bill is HB 1533 by Collier.)

SJR 41 (Menendez) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling and provide that a small portion of a gaming tax on casinos be allocated to the city in which the casino is located. (See SB 889, above.)

SJR 42 (Alvarado) – Gambling: would amend the Texas Constitution to authorize certain forms of gambling in certain areas and provide that a portion of a gaming tax on the casinos be used to fund the permanent school fund.

GRANTS, FUNDING AGENCIES

SB 595 (Kolkhorst) – Community Development Block Grants: would, among other things, require: (1) the state auditor conduct an audit, each fiscal year, of the distribution and expenditure of federal community development block grant disaster recovery program money that is received by the state and distributed to another entity, including a political subdivision; (2) the audit identify each recipient of grant money and specify the amount of grant money received by each recipient; and (3) a political subdivision receiving grant money cooperate with and provide assistance to the state auditor conducting the audit.

GROUP HOMES/HALFWAY HOUSES

HB 1952 (Zerwas) – Community Homes: would: (1) provide that, except as provided by city ordinance or restrictive covenant enforced by a property owners’ association, a community home may not keep motor vehicles in numbers that exceed the number of bedrooms in the home as recorded in the appraisal records; (2) make a violation of the prohibition in (1) a Class B misdemeanor offense and allow the vehicle to be towed at the expense of the owner; (3) provide that a property owners’ association or affected property owner in a neighborhood in which a community home is located may report to an entity with regulatory jurisdiction over or that operates the home: (a) that the home has violated the Community Homes for Persons With Disabilities Act; or (b) poses a hazard to the safety or well-being of the neighborhood or community; (4) require the regulatory entity in (3) to investigate a report in a timely manner and take appropriate action; and (5) require a regulatory entity in (3) to adopt certain rules related to maintaining the safety of residents of community homes and affected neighborhoods.

HEALTH CODES AND INSPECTIONS

HB 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. (Companion bill is SB 824 by Nelson)

HB 1284 (Lambert) – Ungraded Eggs: would provide, among other things, that: (1) a person may sell eggs produced by the person’s flock directly to a consumer or at wholesale if the eggs are clearly labeled as “ungraded;” and (2) a state agency or political subdivision may not prohibit a person from purchasing, reselling, or using the eggs in (1).

HB 1694 (Lambert) – Farmer’s Markets: would prohibit a local government authority, including a local health department, from: (1) requiring a person to obtain a permit in order to provide samples of food at a farm or farmers’ market; (2) regulating the provision of samples of food at a farm or farmers’ market except as expressly provided in certain state law; and (3) adopting a rule requiring a farmers’ market to pay a permit fee for: (a) conducting a cooking demonstration for educational purposes; or (b) providing samples of food. (Companion bill is SB 789 by Johnson.)

HB 2107 (Capriglione) – Food Regulation: would require a city to: (1) provide a response to a request for written information pertaining to the regulation of food not later than the 30th day after receipt of the request (unless prohibited by law); (2) provide an official written determination in regard to a request about the applicability of a food regulation or compliance with a food regulation not later than the 30th day after receipt of a written request; and (3) provide that a determination in (2) is valid until the regulation is amended by statute, rule, or regulation.
HB 2108 (E. Rodriguez) – Cottage Food Production: would: (1) add certain foods to the definition of cottage food production operations; (2) require certain labeling on honey and other products; (3) allow cottage food production operations to sell food through the Internet or by mail order in some circumstances; and (4) impose requirements on the sale of fermented products, acidified canned goods, and other foods produced by cottage food productions.

HB 2273 (Guillen) – Cottage Food Production: would add pickled fruits or vegetables and dried meat to the definition of “cottage food production operation.”

SB 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.


SB 572 (Kolkhorst) – Cottage Foods: would: (1) expand the definition of “cottage food production operation” to include pickled vegetables, fermented products, and canned goods that are acidified or low acid; (2) require a cottage food production operation producing a fermented product or a canned good that is acidified or low acid to submit the recipe to and get approval from the Texas Department of Health and Human Services (department) to sale the product; and (3) require the department to study the competitiveness of the Texas cottage food industry.

SB 789 (Johnson) – Food Regulation: (See companion bill HB 1694 by Lambert.)

SB 824 (Nelson) – Sale of Lemonade by Children: (See companion bill HB 234 by Krause)

SB 931 (Hughes) – Raw Milk: would: (1) allow raw milk and milk products produced in this state to be sold at retail in the same manner as pasteurized milk or milk products; and (2) repeal current state law that authorizes a city by ordinance to allow only pasteurized milk and milk products to be sold at retail in the city.

SB 932 (Hughes) – Farmers’ Markets: would provide that a temporary food establishment permit or permit issued by a public health district to a farmers’ market must be valid for a term of not less than one year, may impose an annual fee not to exceed $50, and must cover sales at all locations within the jurisdiction of the permitting authority

SB 1028 (Hall) – Cottage Food: would modify the definition of “cottage food production” to include a person who sells their food at a for-profit fair, festival, or event.

HISTORIC

HB 1125 (Murr) – Historic Courthouse Preservation Program: would require the Historical Commission to consider the county’s or city’s local funding capacity as measured by the total taxable value of properties in the county or city, as applicable, when considering whether to grant an application for a grant or loan for a historic courthouse project. (Companion bill SB 496 by Perry.)


HB 1422 (Paddie) – Texas Historical Commission: (See companion bill SB 605 by Buckingham)

HB 2496 (Cyrier) – Local Historic Landmarks: would provide that a city that has established a process for designating places or areas of historical, culture, or architectural significance through zoning districts may not designate a property as a local historic landmark unless the owner of the property consents to the designation, and must allow the owner to withdraw consent at any time during the designation process.

SB 605 (Buckingham) – Texas Historical Commission: would: (1) continue the functions of the Texas Historical Commission (commission) until September 1.; (2) authorize the commission to establish the Texas Heritage Trails Program to promote tourism to heritage and cultural attractions in the state; and (3) transfer jurisdiction over certain historic sites and parks from the Texas Parks and Wildlife Department to the commission. (Companion bill HB 1422 by Paddie.)
HOME RULE AUTHORITY

HB 984 (Parker) – City Fees: would: (1) require every city (except those located in a county with a population of less than 30,000) to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees; (2) provide that the email notification service must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any web page maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the governing body files an adopted budget with the city clerk, for notification of an adopted budget; (3) provide that a city’s 18 proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of an percentage of increase of each increased fee); (4) provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; (5) provide that a city’s adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee).”


HB 1957 (Dutton) – Contracts: would provide that: (1) to the extent a term or condition of a contract is in conflict with a law of this state, the law of this state controls; and (2) section (1) may not be construed to authorize the impairment of any contract in violation of the Texas Constitution or the United States Constitution.

HB 2014 (Goldman) – Occupational Regulation/Preemption: would provide that: (1) if an individual is required to possess an occupational license issued by a state licensing authority to engage in an occupation, the governing body of a political subdivision may not adopt or enforce any ordinance, order, rule, regulation, law, or policy that requires the individual to: (a) possess an occupational license issued by the political subdivision to engage in that occupation; or (b) meet any other requirement or precondition to engage in that occupation; and (2) an ordinance, order, rule, regulation, law, or policy that violates the bill is void and unenforceable.

SB 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.


SB 652 (Campbell) – Certificates of Obligation: would: (1) provide that the governing body of an issuer of certificates of obligation (COs) may not authorize a CO to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding ten years and failed to be approved; (2) require an issuer of COs to publish notice of the issuance continuously on the issuer’s Internet website for at least 30 days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the COs; and (3) require an issuer of COs to maintain an internet website to comply with (2), above.
SB 915 (Birdwell) – Local Debt: would require: (1) a proposition seeking voter approval of the issuance of bonds to include a description of the single specific purpose for which the bonds are to be authorized, if approved, and the rate of any tax that will be increased or imposed to pay the principal of and interest on the bonds; and (2) each single specific purpose for which bonds requiring voter approval are to be issued to be printed on the ballot as a separate proposition.

SB 1209 (Hancock) – Occupational Regulation/Preemption: (See companion bill HB 2014 by Goldman.)

SB 1325 (Hinojosa) – Occupational Licensing: would, among other things, provide that: (1) a political subdivision that issues a license shall adopt rules to exempt an individual who holds a license issued by the political subdivision from any increased fee or other penalty imposed for failing to renew the license in a timely manner, if the individual establishes to the satisfaction of the political subdivision that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and (2) a military service member who holds a license issued by a political subdivision is entitled to two years of additional time to complete: (a) any continuing education requirements; and (b) any other requirement related to the renewal of the military service member’s license.

HOMEOWNER ASSOCIATIONS (See Property Owner Associations)

HOUSING

IMPACT FEES

HB 44 (Romero) – Impact Fees: 2.27.2019 - Left pending in committee – [ would require the Texas Department of Transportation to conduct a study on the use of city impact fees for roadway facilities. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RHB00041B&QueryText=%22hb+44%22&DocType=B

SB 968 (Hancock) – Charter Schools: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school’s governing body consents to the payment; (see zoning for full caption)

MANUFACTURED HOUSING/INDUSTRIALIZED BUILDINGS/RV PARKS

HB 1385 (T. King) – Industrialized Housing: would expand the maximum allowable height of industrialized housing and buildings.

MILITARY BASES, CONVERSIONS

MINERAL RIGHTS

MUNICIPAL UTILITY DISTRICTS

OIL, GAS AND PIPELINES, GAS WELLS

HB 2154 (Landgraf) – GROW Fund: (See HJR 82 by Craddick below.)

HJR 82 (Craddick) – GROW Fund: would amend the Texas Constitution to: (1) create the generate recurring oil wealth for Texas (GROW) fund (which will expire in 2021) and allocate certain amounts from the state’s oil and gas tax to the fund; and (2) provide that the legislature may appropriate money from the fund only for use in areas of the state from which oil and gas are produced and only for the following purposes: (a) to construct, maintain, or improve public roadways and related infrastructure; (b) to address public safety concerns relating to public roadways, including concerns resulting from the increased amount of traffic on those roadways; and (c) to fund grants to state agencies and political subdivisions of the state to address public safety concerns and supplement educational opportunities. (Companion bill is HB 2154, Landgraf.)
OPEN MEETINGS/PUBLIC INFORMATION/NOTICE

HB 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 memorandum exception of the Public Information Act under certain circumstances.

HB 1229 (Shaheen) – Newspaper Notice: would allow a political subdivision to satisfy a requirement to provide notice by newspaper publication by posting the notice continuously from the earliest date provided for in the requirement until the day after the date the action for which notice was required occurs: (1) on its Internet website; or (2) on a social media website, if the political subdivision controls the content of the posting and the notice is easily found by searching the name of the political subdivision on the Internet.

HB 1700 (Hunter) – Public Information: would: (1) define “temporary custodian” to mean a current or former officer or employee who, in the transaction of official business, creates/created or receives/received public information that the officer or employee has not provided to the officer for public information of the governmental body; (2) provide that a current or former officer or employee who maintains public information on a privately owned device must: (a) forward or transfer the information to the governmental body to be preserved; or (b) preserve the public information in its original form on the privately owned device for the requisite retention period; (3) require a public information officer to make reasonable efforts to obtain public information from a temporary custodian if: (a) the information has been requested in a public information request; (b) the officer is aware of facts sufficient to warrant a reasonable belief the temporary custodian is in possession, custody, or control of the information; (c) the officer is unable to comply with a request without obtaining the information from the temporary custodian; and (d) the temporary custodian has not provided the information to the officer; (4) provide that a current or former officer or employee does not have a personal or property right to public information the officer or employee created or received while acting in an official capacity, and must surrender the information not later than the 10th day after the date the officer for public information requests the information be returned or surrendered; (5) provide that if a temporary custodian fails to comply with (4), the officer for public information must notify the attorney general who may then sue for an injunction or writ of mandamus to compel the surrender or return of the information; (6) require a court to dismiss, with prejudice, a suit in (5) if the current or former officer or employee files an answer containing a general denial supported by a sworn affidavit stating the individual is not in possession, custody, or control of public information responsive to the request, but provide that the suit is dismissed without prejudice and may be refiled by the attorney general if, in providing the affidavit, the officer or employee engaged in perjury and is arrested, charged, or indicted for that offense; (7) for purposes of seeking an 10 attorney general decision, provide that the governmental body is considered to receive a request for information on the date the information is surrendered by a temporary custodian or returned to the governmental body from a temporary custodian; and (8) make it a criminal offense for a temporary custodian to refuse to surrender or return information as required in (4)

HB 1875 (S. Davis) – Reinvestment Zones: would require the board of directors of a reinvestment zone to hold all board meetings after regular business hours or on weekends at reasonable times.

HB 2808 (Shaheen) – Meeting Notice: would: (1) in regard to any law that requires notice be published by newspaper, require that a city also provide notice on a website maintained by the comptroller and on the city’s website; (2) authorize the comptroller to grant a city’s request for a waiver from (1) if the city provides sufficient proof that the Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (3) provide that a city may satisfy a requirement in any other law to provide notice by publication in a newspaper by publishing the notice by certain alternative media that the city determines has greater circulation than the newspaper with the greatest circulation in the city; (4) require a city using alternative media described in (3) to submit notice to the comptroller describing the alternative notice method and certain other information; and (5) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions.

SB 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 exempted 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.


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

PRIVATE PROPERTY RIGHTS (Also Regulatory Takings)

PROFESSIONAL SERVICES

PROPERTY OWNERS’ ASSOCIATION

PUBLIC IMPROVEMENT DISTRICTS

REDEVELOPMENT

RELIGIOUS FREEDOM/LAND USE

RESIDENTIAL DEVELOPMENT

ROUGH PROPORTIONALITY

HB 2839 (Munoz) – Rough Proportionality: would provide that the rough proportionality requirement for development exactions in current law applies to, in addition to a city action, a requirement under a city/county subdivision agreement for regulation in the extraterritorial jurisdiction.  (Ed. Note – we were under the impression it already did – anyone with a better understanding of this and whether it should be opposed or just reflects the law?)

SB 1510 (Schwertner) – Rough Proportionality: would provide that the rough proportionality requirement for development exactions in current law applies to, in addition to a city action, a requirement under a city/county subdivision agreement for regulation in the extraterritorial jurisdiction.

REVENUE CAPS

Ed. Note – This is being added at the request of the TXAPA Board that feels revenue caps will have a significant negative impact on financing the planning, growth and development of cities.  TML takes the position that:

SB 2 (Bettencourt) – Property Tax Revenue Caps: “The Senate revenue cap bill, SB 2, is awaiting a Senate vote. The bill caps city property tax revenue at a punhitively low 2.5 percent. Every city is now affected by the bill. As it emerged from committee, it is no longer “bracketed” to larger cities. Even the small cities formerly exempt from the bill must hold an election in May 2020 to see if their citizens want the cap. (Any doubts on how such elections will turn out, given that cities can’t legally make their case to voters?)” The link to the bill status, committee reports and reported versions is

https://capitol.texas.gov/Search/TextSearchResults.aspx?CP=1&LegSess=86R&House=true&Senate=true&TypeB=true&TypeR=false&TypeJR=true&TypeCR=false&VerInt=true&VerEng=true&VerSCR=true&VerEnr=true&DocTypeB=true&DocTypeFN=true&DocTypeBA=true&DcDocTypeAM=true&Srch=custom&Custom=sb+2&All=&Any=&&Exact=&&Exclude=

“They officials should call their senators now and explain the effects of a 2.5 percent cap. It doesn’t matter if your senator might otherwise be comfortable with some modest reduction from eight percent. The 2.5 percent figure is so low that every senator ought to have concerns about how it would affect public safety and infrastructure.”
HB 2 (Rodriguez) – Property Tax Revenue Caps: “Now is also the time to engage representatives in the House. It is possible that the House version of the revenue cap, HB 2, could be heard soon in the House Ways and Means Committee. City officials with representatives on that committee should call them right away and urge them to vote no on 2.5 percent. The link to the bill status, committee reports and reported versions is https://capitol.texas.gov/Search/TextSearchResults.aspx?CP=1&LegSession=86R&House=true&Senate=true&TypeB=true&TypeR=false&TypeJR=true&TypeCR=false&VerInt=true&VerHCR=true&VerEng=true&VerSCR=true&VerEnr=true&DocTypeB=true&DocTypeFN=true&DocTypeBA=true&DocTypeAM=true&Src(custom&Custom=HB+2&All=&Any=&Exact=&Exclude=

“City officials without a representative on that committee should visit with their representative anyway—it’s not too soon to discuss the effects of HB 2’s harmful cap. Both bills contain many beneficial provisions, so the message isn’t that the bills shouldn’t pass. As one senator recently put it, the problem with both bills is just 2.5 percent.”

SEXUALLY ORIENTED BUSINESSES

SB 498 (Huffman) – Massage Parlors: would provide that: (1) notwithstanding a provision in a commercial lease to the contrary, a tenant’s right of possession terminates if the tenant is using the premises or allowing the premises to be used to operate, maintain, or advertise a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; and (2) a landlord of a multiunit commercial property is in breach of a lease with a tenant if: (a) the tenant reasonably believes that another tenant is engaging in certain unlawful activity, including prostitution, human trafficking, or operating, maintaining, or advertising a massage establishment that is not in compliance with a local ordinance relating to the licensing or regulation of a massage establishment; (b) the tenant gives the landlord certain notice of the unlawful activity; and (c) the landlord does not take certain action against the offending tenant.


SB 923 (Huffman) – Sexually Oriented Businesses: would add restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business to the state’s civil nuisance abatement statute.

SHORT TERM RENTALS

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

HB 3773 (Button).- Short Term Rentals: Allowing regulation of short-term rental units by cities, including rental to minors, for less than 24 hours, annual inspections, maximum occupancy and HOT collection.


HB 3778 (Button).- Short Term Rentals: Different bill than 3773 above but also allowing regulation of short-term rental units including noise limits, registration, HOT payment.


SB 1472 (Powell) – Short-Term Rentals: would, among other things: (1) require a short-term rental marketplace to collect the appropriate amount of city hotel occupancy taxes for a city in which a short-term rental is located on each booking charge with respect to that short-term rental; (2) require a short-term rental marketplace to report and remit all taxes collected by the marketplace in the manner required of a person owning, operating, managing, or controlling a hotel and in accordance with the ordinance adopted by the city imposing the tax, or otherwise by agreement with the comptroller or a third-party vendor, if applicable; (3) provide that a short-term rental marketplace is considered to be the person owning, operating, managing, or controlling the short-term rental for purposes of the collection and enforcement of city hotel occupancy taxes; (4) provide that a host may not collect and is not liable for a city hotel occupancy tax on a booking charge for a rental made through the short-term rental marketplace; (5) provide that a short-term rental marketplace may enter into an agreement with the comptroller to collect and remit to the comptroller city hotel occupancy taxes on each booking charge for a rental made through the short-term rental marketplace, or alternatively may enter into an agreement with a third-party vendor to remit to the city the city hotel occupancy taxes that the short-term rental collects; (6) in order to be effective, require an agreement with a third-party vendor described by (5), above, to be approved by the city council; (7) require the comptroller or third-party vendor, as applicable, to promulgate a form a short-term rental marketplace must use to report the taxes collected by the short-term rental marketplace, and the form must include specific information on
receipts, booking charges, and the rate of the tax; (8) prohibit the form described in (7), above, from requiring the identification of a specific guest or the host of a short-term rental; (9) provide that if a short-term rental marketplace collects and remits city hotel occupancy taxes to the comptroller pursuant to an agreement, the comptroller shall: (a) deposit the taxes remitted to the comptroller in trust in the separate suspense account of the city in which the short-term rentals are located; (b) send to the city treasurer or to the person who performs the office of the city treasurer payable to the city the city’s share of the taxes remitted to the comptroller at least 12 times during each state fiscal year; (10) require the comptroller, before sending any money to a city, to deduct and deposit to the credit of the general revenue fund an amount equal to one percent of the amount of the taxes collected from rental of short-term rentals located in the city during the period for which a distribution is made as the state’s charge for services provided by the state; and (11) prohibit the comptroller from deducting from the distributions to a city more than $50,000 in each state fiscal year.

SB 1888 (Fallon) – Short Term Rental Units: (See Companion HB 3773 by Button)

SOLID WASTE FACILITIES

HB 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 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. (companion bill SB 1249 by Miles) Ed. Note - Not sure if this is good or bad for cities. Let us know any opinions.


HB 1390 (Bohac) – Municipal Solid Waste Facilities: would require that: (1) a permit application for a proposed solid waste facility be mailed to the council of governments responsible for the regional solid waste management plan in which the facility is located; (2) the council of governments deliver a letter to TCEQ describing whether a permit application for the facility complies with the regional solid waste management plan; and (2) the TCEQ consider the letter in (2) regarding the permit application for a proposed solid waste facility when determining the compatibility of the facility and facility site with a regional solid waste management plan.

HB 1435 (E. Thompson) – Solid Waste Permitting: would provide that: (1) before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed, the Texas Commission on Environmental Quality shall inspect the facility or site to confirm information included in the permit application; and (2) TCEQ shall prescribe the types of information to be confirmed in the permit by rule.

HB 1436 (E. Thompson) – Solid Waste Permitting: would provide that the Texas Commission on Environmental Quality may not approve or allow special conditions for the approval of an application for a permit or an amendment to a permit for a solid waste facility, unless the applicant has satisfied all of the requirements of the laws on solid waste permitting, rules on solid waste permitting, and other requirements of state and local law, including requirements relating to authorizations from local governments and requirements relating to siting in a floodplain. HB 1491 (Reynolds) – Texas Environmental Justice Advisory Council: would: (1) establish the Texas Environmental Justice Advisory Council; and (2) include, among others, local government officials as members.

SB 778 (Zaffirini) – Municipal Solid Waste Landfills: would: (1) repeal the requirement that a public hearing be limited to land use for a municipal solid waste landfill facility that is subject to a contract of sale as of January 1, 2001, and has stopped accepting waste or only accepted waste pursuant to an emergency authorization for a period of five years or more; and (2) repeal the ability of the Texas Commission on Environmental Quality to make a separate determination on the question of land use compatibility and consider other technical matters concerning a municipal solid waste permit application.

SB 1249 (Miles) – Solid Waste Facility Permitting: (See companion bill HB 523 by Allen.)

SB 1338 (Zaffirini) – Solid Waste Landfill Facilities: would: (1) define “special flood hazard area” as the land in a floodplain subject to not less than one percent chance of flooding in a year as designated by the director or administrator of the Federal Emergency Management Agency; (2) provide that the Texas Commission on Environmental Quality may not issue a permit for a new municipal solid waste landfill facility or a lateral expansion of an existing municipal solid waste landfill facility that is contingent on the removal of the facility from a special flood hazard area; (3) provide that TCEQ may not issue a permit for a new municipal solid waste landfill
facility or a lateral expansion of an existing municipal solid waste landfill facility if a part of the facility is or will be located in a special flood hazard area unless the applicant has obtained a letter from FEMA of map change demonstrating the entire facility has been removed from the special flood hazard area; and (4) require that TCEQ coordinate with all applicable regional and local governments to verify that all required map changes to the flood Insurance Rate Map have been acquired from FEMA and that all necessary permits have been issued for the facility by the governmental entities or agencies with jurisdiction over the facility.

SB 1339 (Zaffirini) – Solid Waste Facilities: would: (1) require the Texas Commission on Environmental Quality to adopt specific, uniform road specifications and safety standards for access to solid waste facilities that accept or process municipal or hazardous waste; and (2) provide that the rules adopted under (1) must require the permit holder to be financially responsible for access route improvements and maintenance and to reimburse a local governmental entity for any costs incurred by that entity for improvements made to and maintenance of the access routes.

SIGNs

HB 789 (S. Davis) – Billboards: See Companion bill SB 357 by Nichols.

SB 357 (Nichols) – Billboards: would amend the transportation code to provide that a billboard: (1) may not be higher than 42 ½ feet, excluding a cutout that extends above the rectangular border of the sign; and (2) a person may not rebuild a billboard at a height that exceeds 42 ½ feet. (Companion bill is HB 789)

SPECIAL DISTRICTS, TRUSTS

HB 304 (Paul) – Municipal Management Districts: would make various changes to the governance and operation of municipal management districts.

HB 1136 (Price) – Tourism Public Improvement Districts: would authorize any city to establish a tourism public improvement district composed of territory in which the only businesses are one or more hotels.

HB 2018 (Thierry) – Municipal Management Districts: would provide that, not later than the 90th day after the date a district annexes or excludes land, the district shall provide a description of the metes and bounds of the district, as of the date the annexation takes effect, to each city that, on the date the annexation takes effect: (1) has territory that overlaps with the district’s territory; or (2) is adjacent to the district.

SB 1329 (Bettencourt) – Municipal Management Districts: would: (1) prohibit a municipal management district from issuing bonds after the date a petition for dissolution is filed with the board; and (2) provide that, after a dissolution petition is filed with the board of municipal management district that has outstanding bonded indebtedness: (a) the district shall remain in existence solely for the purpose of discharging its bonded indebtedness; and (b) board shall use all district money that is available for the purpose to repay or defease all bonded indebtedness as soon as practicable in accordance with order or resolution authorizing issuance of bonds.

SB 1367 (Buckingham) – Municipal Development Districts: would authorize a municipal development district to use money in the development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects located outside the district if: (1) the board determines that the development project will provide an economic benefit to the district; and (2) the city council that created the district approves the development project by resolution.

STORMWATER, FLOODING, FLOODPLAINS AND DRAINAGE

Interim Report: House Committee on County Affairs – 2.02.19

Charge No. 2 (Flood Mitigation): Evaluate whether counties have the necessary ordinance making and enforcement authority to deal with flood risk in unincorporated rural and suburban areas of Texas. Additionally, examine whether counties have adequate resources and authority to ensure that new development in unincorporated areas is not susceptible to flooding.
Recommendations: (Ed. Note – this could be a major step forward for resolving county development issues.)

1. The Texas Legislature should explore solutions to create greater parity between the standards and regulations regarding new development and construction both inside a city’s extraterritorial jurisdiction and unincorporated areas within counties. Review current county ordinance making authority to set minimum standards for emergency mitigation in both platted subdivisions and other unincorporated areas. Counties currently have subdivision authority to require limited mitigation regulations for new development that occurs within a platted subdivision. However, counties do not have this authority for development that falls outside of subdivisions, which is the source for much of the growth in counties. Due to the lack of authority, there is a lack of uniformity about the safety of structures going up across the state. Increased authority would allow for universal mitigation efforts for new development in the unincorporated areas of the county.

2. The Committee agrees with recommendation from Eye of the Storm, Report of the Governor's Commission to Rebuild Texas, Chapter 7 - Number 1: The Texas Legislature should establish a special study committee to evaluate and propose options for a state-local partnership to help future-proof Texas against flood events on watershed basis’

HB 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. [Link]

HB 1010 (Paul) – State Flood Plan: would require the Texas Water Development Board to: (1) prepare and adopt a state flood plan every five years to be delivered to the governor, lieutenant governor, speaker of the house, and appropriate legislative committees and leadership; (2) create regional flood planning groups with representation from the interests in the region, including cities, to adopt a regional flood plan; and (3) approve a regional flood plan when it meets certain requirements and does not negatively affect a neighboring flood planning area. [Link]

HB 1059 (Lucio) – Stormwater Infrastructure Reporting: See SB 1381 by Rodriguez

HB 1800 (G. Bonnen) – Resilience Infrastructure Fund: would establish the Texas resilience infrastructure fund, which would provide funding for programs that prevent flooding or mitigate the damage from flooding related to a rainstorm, tropical storm or depression, hurricane, or storm surge affecting: (1) public health, safety, or welfare; (2) public property, including infrastructure; (3) privately owned commercial, agricultural, or residential property; or (4) fish or wildlife habitat.

HJR 76 (G. Bonnen) – Resilience Infrastructure Fund: would amend the Texas Constitution to provide for the creation of the Texas resilience infrastructure fund to assist in the financing of resilience projects.

HJR 81 (Phelan) – Flood Infrastructure Fund: would amend the Texas Constitution to create a flood infrastructure fund as a special fund in the state treasury, to be administered and used, without further appropriation, by the Texas Water Development Board to assist in providing financing for drainage, flood mitigation, or flood control projects.

SB 396 (Perry) – Flood Planning: would, among other things, require: (1) that the Water Development Board prepare and adopt, by September 1, 2024, and before the end of each successive five-year period after that date, a comprehensive state flood plan that incorporates approved regional flood plans; (2) adoption of a regional flood plans by representatives of the governing body of each county that is located wholly or partly in a flood planning region after obtaining input from interested persons, including members of the public and other political subdivisions located in that county; and (3) the Soil and Water Conservation Board to prepare an adopt a ten-year plan describing the repair and maintenance needs of flood control dams in the state, and deliver, each year, to the Water Development Board, a report regarding progress made on items listed in the plan. [Link]
SB 397 (Perry) – Flood Planning: would, among other things: (1) require that the Soil and Water Conservation Board prepare an adopt a ten-year plan describing the repair and maintenance needs of flood control dams in the state, and deliver, each year, to the Water Development Board, a report regarding progress made on items listed in the plan; and (2) create a trust to be funded from the money appropriated to the state flood plan implementation fund for use by the Water Development Board, without further legislative appropriation, to implement the state flood plan and dam repair and maintenance projects administered by the Soil and Water Conservation Board. 


SB 674 (Campbell) – Drainage Fees: would: (1) allow a city to exempt open-enrollment charter schools from municipal drainage fees; and (2) prohibit a city from solely granting the exemption to a school district or open-enrollment charter school (i.e., the city must grant neither or both exemption).

SB 695 (Creighton) – Flood Planning: would create the Texas Infrastructure Resiliency Fund to be administered by the Texas Water Development Board and used to make a grant, low interest loan, or zero-interest loan to a political subdivision for a flood project.

SB 968 (Hancock) – Charter Schools exempt from drainage ordinances: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, … and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations (See zoning for full caption.)

SB 990 (Watson) – Local Flood Maps: would provide that: (1) a local floodplain manager who has information regarding a floodplain, a flood-prone area, or flood-risk zone in the manger’s political subdivision that is more recent that the information in the national flood map used in the political subdivision may deliver to the Texas Water Development Board: (a) a local flood map that represents the more recent information; (b) information relevant to the creation of the local flood map; and (c) a sworn statement that the information represented in the local flood map is accurate and to the best of the local floodplain manager’s knowledge; (2) a local floodplain manager is not personally liable for damages arising from the use of information in a local flood plain map; and (3) the TCEQ shall consider a local flood map in determining whether to issue a permit for a municipal solid waste landfill or transfer station to be located in a floodplain.

SB 1381 (Rodriguez) – Stormwater Infrastructure Reporting: would: (1) define “green stormwater infrastructure” and “low impact development;” (2) create a Green Stormwater Infrastructure and Low Impact Development Report Group to be appointed by the Texas Commission on Environmental Quality, including one member from a city; and (3) require the Group to prepare a biennial report on the use of green stormwater infrastructure and low impact development in the state to be submitted to the members of the Texas Commission on Environmental Quality, the governor, the lieutenant governor, the speaker of the house, and each member of the legislature. (Companion bill is HB 1059 by Lucio.)

SJR 28 (Perry) – Flood Plan and Maintenance Funding: would amend the Texas Constitution to create a $1.2 billion special fund to be administered and used, without further appropriation, by the Texas Water Development Board or its successor to implement the state flood plan and to fund flood control dam repair and maintenance projects administered by the state.


SUBDIVISION PLATTING, RELATED DEVELOPMENT STANDARDS

HB 2370 (Kuempel) – Private Roads: would provide that a city may not impose a higher standard for a private road or street in a subdivision than the city imposes on itself for the construction of roads or streets of a similar type and with a similar amount of traffic.

HB 3314 (Romero) - Replats: Relating to certain requirements to replat certain municipal subdivision plats including changes to the public hearing addition of notice of approval requirements. Supported by TXAPA


HB 3315 (Romero) – Plat or Replat Approval: Relating to municipal delegation of certain subdivision plat or replat approval responsibility expanding the administrative approvals of replats. Supported by TXAPA

SB 1220 (Bettencourt) – Plats: would provide that, before a plat may be recorded, the plat must include a certification by a surveyor or a registered engineer describing any area that is being subdivided that is in a 100-year floodplain, 500-year floodplain, flood pool, or reservoir or stating that no such area is in a 100-year floodplain, 500-year floodplain, flood pool or reservoir.


TAX ABATEMENT

HB 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 SB 118 by West.)


HB 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-HB 360 Murphy, SB 118 West.)


HB 1977 (Cole) – Property Tax Abatement: would, prior to the adoption of a property tax abatement agreement, require a taxing unit to prepare a fiscal impact statement that, specifically and in detail, assesses the direct economic impact that a property tax abatement agreement would have on schools, transportation, and public safety in the city or county in which the reinvestment zone would be located under the agreement.

HB 2438 (Phelan) – Tax Abatements: would: (1) extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2032; and (2) extend the expiration date of the Texas Economic Development Act from September 1, 2022, to September 1, 2032.

SB 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.


SB 1158 (Bettencourt) – Tax Abatements: would extend the expiration date of the Property Redevelopment and Tax Abatement Act from September 1, 2019, to September 1, 2031.

TAX INCREMENT FINANCING

HB 2494 (J. Gonzalez) – Tax Increment Financing: would, among other things: (1) require a city, before adopting an ordinance designating a tax increment reinvestment zone, to prepare or have prepared an affordable housing impact statement; (2) require the statement in (1), above, to be made available to the public and posted on the city’s Internet website at least 60 days before the city holds the hearing on the tax increment reinvestment zone; and (3) provide that the statement under (1), above, must include estimates of the impact on the availability of affordable housing in the area of the proposed zone for the 30-year period following designation of the proposed zone. (Companion is SB 1278 by West.)

SB 1278 (West) – Tax Increment Financing: See HB 2494 (J. Gonzalez)

SB 1328 (Bettencourt) – Tax Increment Reinvestment Zone: would make the board of directors of a tax reinvestment zone created under Chapter 311, Tax Code, subject to the Open Meetings Act.

TRANSPORTATION

RED LIGHT CAMERAS- The TXAPA legislative committee has decided to no longer track red light bills as affecting the growth, development and redevelopment of cities. HB 262 (E. Thompson), HB 537 (Murphy), HB 901 (Hefner), HB 1027 (Bohac), HB 1631 (Herrero), HB 2323 (Toth), HB 2262 (E. Thompson), SB 77 (Hall), SB 413 (Hall), SB 459 (Fallon) and SB 653 (Hall) are all bills that affect cities ability to red light cameras for those that are interested.

HB 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.

HB 1287 (Israel) – Speed Limits: Heard by House Committee on Transportation: would: (1) lower the prima facie speed limit in an urban district on a street, other than an alley, from 30 to 25 miles per hour; and (2) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe.

HB 1548 (Springer) – Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles: would: (1) for purposes of the Recreational Use Statute, remove all-terrain vehicles and recreational off-highway vehicles from the definition of “recreation” and streamline the definition to reference “off-highway vehicles”; (2) for purposes of the Texas Clean Fleet Program and certain state law related to public beaches, define “golf cart” to mean a motor vehicle designed by the manufacturer primarily for use on a golf course; (3) include “all-terrain vehicle” and “recreational off-highway vehicle” in the definition of “off-highway vehicle” and make conforming amendments to various state laws; (4) provide that a golf cart, neighborhood electric vehicle (NEV), or off-highway vehicle (OHV) operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when operated on a highway; and (5) provide that an OHV that is registered under certain law is not subject to compulsory inspection.

With regard to Neighborhood Electric Vehicles, the bill: 22 1. provides that the Texas Department of Motor Vehicles (DMV) may not register a NEV for operation on a highway, but may issue a license plate and charge a related fee; 2. allows a NEV to be operated on a highway only if the vehicle displays a license plate; 3. provides that a city may allow an operator to operate a NEV on all or part of highway that is in the corporate boundaries of the city and has a posted speed limit of not more than 35 miles per hour; 4. allows a NEV to cross a highway at an intersection, including an intersection with a highway with a speed limit of more than 35 miles per hour; 5. authorizes a city to prohibit the operation of a NEV in a master planned community, on a public or private beach, or on a highway for which the posted speed is not more than 35 miles per hour if it is necessary in the interest of safety; and 6. exempts the operation of a NEV from the Motor Vehicle Safety Responsibility Act in some instances.

With regard to Golf Carts, the bill: 1. defines the term “golf cart” to mean a motor vehicle designed by the manufacturer primarily for use on a golf course; 2. provides that the DMV may not register a golf cart for operation on a highway, but may issue a license plate and charge a related fee; 3. allows a golf cart to be operated on a highway only if the vehicle displays a license plate; 4. removes a city’s authority to prohibit the operation of a golf cart in a master planned community and on a public or private beach, or on a highway for which the posted speed is not more than 35 miles per hour when operated within 2 miles of a golf course; 5. authorizes a city to either allow or prohibit the operation of a golf cart on a highway that is in the city limits and has a posted speed of not more than 35 miles per hour; 6. allows a golf cart to cross a highway at an intersection, including an intersection with a highway with a speed limit of more than 35 miles per hour; and 7. exempts the operation of a golf cart from the Motor Vehicle Safety Responsibility Act in some instances.

With regard to Off-Highway Vehicles, the bill: 1. moves current law related to OHVs (in Chapter 663, Transportation Code) to new Chapter 551A, Transportation Code; 2. defines “public off-highway vehicle land” to mean land on which off-highway recreation is authorized under Parks and Wildlife Code Chapter 29, and uses this new term to replace the term “public land” throughout the new Chapter 551A; 3. provides that requirements a for driver’s license do not apply to the operation or ownership of an OHV on public off-highway vehicle land; 4. provides that a person may not operate an OHV on land owned or leased by a political subdivision that is not open to vehicular traffic unless the land is public off-highway vehicle land and operated in compliance with certain state laws; 23 5. provides that a person younger than 14 years of age who is operating OHV on public off-highway vehicle land must be accompanied by and be under the supervision of a parent, guardian, or authorized adult; 6. sets out requirements for an OHV to cross a highway at a point other than an intersection; 7. provides that, except for certain state, county, and city vehicles, the DMV may not register an OHV for operation on a highway, but may issue a license plate and charge a related fee; 8. provides that an unregistered OHV may be operated on highway only if the vehicle displays a license plate; 9. authorizes a city to allow an operator to operate an unregistered OHV on all or part of a highway in the city limits that has a posted speed limit of not more than 35 miles per hour; 10. authorizes a city to prohibit an unregistered OHV from operating in certain master planned communities and highways with a posted speed of not more than 35 miles per hour during the day and within 2 miles from a golf course in the interest of safety; 11. allows an OHV to cross a highway at an intersection, including an intersection with a highway that has a posted speed or more than 35 miles per hour; 12. deletes the requirement that the operator (including law enforcement) of an unregistered OHV operating the vehicle on certain highways must hold a...
driver’s license; 13. requires an OHV operated on public off-highway vehicle land, a beach, or a highway to have certain equipment, display a headlight and taillight during certain times, and that the operator wear certain safety apparel and abide by certain passenger requirement; 14. provides that is a Class C misdemeanor to violate certain laws regarding an OHV operated on off-highway vehicle land or a beach; and 15. exempts the operation of an OHV from the Motor Vehicle Safety Responsibility Act in some instances.

**SB 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.**


**SB 779 (Zaffirini) – Speed Limit:** would decrease the prima facie speed limit in cities with a population greater than 790,000 to 25 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley.

**TRANSPORTATION FUNDING**

**HB 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.


**HB 293 (Pickett) – Transportation Funding:** would provide that: (1) in each state fiscal year beginning on or after September 1, 2011, (2011????) 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.**

**HB 1046 (Martinez) – Motor Vehicle Sales Tax:** would increase from 35 to 75 percent the amount (after the first $5 billion) of the state’s motor vehicle sales tax that goes into the state highway fund.


**HB 1951 (Krause) – Toll Roads:** would add numerous provisions related to and restricting toll road development.

**HB 2696 (Schaefer) – Motor Vehicle Registration:** would: (1) eliminate the annual motor vehicle registration of non-commercial motor vehicles; (2) replace registration fees with an annual fee of $7.50, $3.50 of which goes to the Texas Mobility Fund, $2.00 of which goes to the state’s trauma facility and emergency medical services account, and $2.00 of which goes to the state’s clean air account.

**HB 3090 (Martinez) – State Highway Fund:** would provide that revenue generated from the Texas Department of Transportation’s federal rail safety fee be deposited to the credit of the state highway fund.
HB 3196 (Landgraf) – Transportation Infrastructure Fund: would provide that, to be eligible to receive a grant under the Transportation Infrastructure Fund program, matching funds may include in-kind contributions.

HB 3255 (Rodriguez) – Transportation Funding: would authorize a county with a population of one million or more, by election, to adopt an additional sales tax for certain transportation and transit projects. (Companion bill is SB 1526 by Watson)

SB 282 (Buckingham) – Transportation Funding: would authorize the Texas Department of Transportation to reallocate liquidated damages money associated with delays of transportation projects.

SB 962 (Nichols) – State Transportation Funding: would eliminate the expiration date relating to the determination of the fund balances in the state’s “Rainy Day” and State Highway Funds.

SB 1077 (Watson) – Gas Tax: increases the rate of the state gasoline tax from 20 to 40 cents per gallon.

SB 1080 (Watson) – Local Transportation Funding: would enact the Texas Local Option Transportation Act, which would – among other things – expire in 2029 and authorize the commissioners court of a county with a population of more than one million to call an election on the uniform election date in November on the issue of imposing an additional 10 cent motor fuels tax in the county for certain transportation projects.

SB 1526 (Watson) – Transportation Funding: would authorize a county with a population of one million or more, by election, to adopt an additional sales tax for certain transportation and transit projects. (Companion bill is HB 3255 by Rodriguez.)

SJR 45 (Watson) – Passenger Rail: would amend the Texas Constitution to allow the expenditure of motor vehicle fuel taxes and registration fees for passenger rail and transit.

TRANSPORTATION REINVESTMENT ZONES

UNFUNDED MANDATES

HJR 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 SJR 10 by Buckingham.)

SB 62 (Zaffirini) – Unfunded Mandates: would create and spell out the duties of an unfunded mandate interagency work group.

SJR 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

HB 721 (Larson) – Aquifer Storage and Recovery: would require the Texas Water Development Board to work with river authorities, major water providers and water utilities, regional water planning groups, and potential sponsors of aquifer storage and recovery projects identified in the state water plan to: (1) conduct a study to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects based on certain considerations; and (2) prepare a report that includes an overview of the study to be submitted to the governor, lieutenant governor, and speaker of the house.
HB 944 (Dutton) – Permit Posting: would require applicants for wastewater, injection wells, and solid waste permits to place a sign at the site of the facility or proposed facility that states: (1) that an application for a permit for a facility at the site has been filed; and (2) the manner in which the Texas Commission on Environmental Quality may be contacted for further information.


HB 1052 (Larson) – Financial Assistance: would allow the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for desalination or aquifer storage and recovery facilities.


HB 1059 (Lucio) – Stormwater Infrastructure Reporting: would: (1) define “green stormwater infrastructure” and “low impact development;” (2) create a Green Stormwater Infrastructure and Low Impact Development Report Group to be appointed by the Texas Commission on Environmental Quality, including one member from a city; and (3) require the Group to prepare a biennial report on the use of green stormwater infrastructure and low impact development in the state to be submitted to the members of TCEQ, the governor, the lieutenant governor, speaker of the house, and each member of legislature.


HB 1267 (Wray) – Water Protection Penalties: would increase the maximum civil and administrative penalties for violations of laws protecting drinking water public water supplies and bodies of water. (Companion bill SB 530 by Birdwell.)

HB 1826 (T. King) – Certificates of Public Convenience and Necessity: would provide, among other things, that: (1) when a retail public utility proposes to provide services in a decertified area and the certificate holder has not agreed to the decertification, the Public Utility Commission shall issue an initial order to revoke or amend the certificate and follow the procedures in the bill; (2) a landowner who meets certain requirements may petition the utility commission for a release of a certificate of public convenience and necessity and must provide notice of the landowner’s intent to file the petition to the certificate holder at least 30 days before filing the petition; (3) for certain orders, including orders under (1), the utility commission shall require the certificate holder to submit certain information to the utility commission and, as applicable, the utility commission may require the petitioner and any retail public utility that intends to provide services to the decertified area to submit certain information; (4) based on the information provided in (3), the utility commission shall issue an order requiring that just and adequate compensation be paid to the certificate holder and establishing the amount of compensation; and (5) before the order in (4), the retail public utility or petitioner may request a hearing on the issue of compensation. (Companion bill is SB 1310 by Hinojosa)

HB 2312 (Beckley) – Utility Right-of-Way Planting: would provide that the Texas Department of Transportation – in consultation with the Department of Agriculture – by rule shall require a utility (including a city utility) that disturbs the right-of-way of a state highway while constructing or maintaining a utility facility in the right-of-way to install, at the utility’s expense, in the right-of-way after the construction or maintenance is complete plants that: (1) are native, regionally appropriate, and pollinator-friendly; and (2) generally grow roots less than four feet below the surface.

HB 2426 (Reynolds) – On-Site Sewage Disposal Systems: would: (1) increase the maximum amount of waste each day in the definition for an “on-site sewage disposal system” from 5,000 to 10,000; (2) increase the minimum number of acres where an on-site sewage disposal system is subject to permits from 10 acres to 1,000 acres; and (3) require a person who pumps an on-site sewage disposal system or any part of it to hold a license.

HB 2998 (Talarico) – Lead Service Lines: would require a public water system, which includes a city, to replace lead service lines in each public school, private school, or child care facility that is served by the system.

HB 3089 (Martinez) – Utility Relocation: a utility, including any type of municipal utility, shall make a relocation of a utility facility required by improvement of the state highway system at the expense of this state if the Transportation Commission determines: (1) the utility is a political subdivision or is owned or operated by a political subdivision; (2) a financial condition would prevent the utility from being able to pay cost of relocation in full or in part at the time of relocation or, if paid at that time, the payment would adversely affect utility’s ability to operate or provide essential services to its customers; and (3) the utility is ineligible for a state infrastructure bank loan or is otherwise unable to finance the cost of the relocation. (Companion bill is SB 1512 by Flores.)
SB 1310 (Hinojosa) – Certificates of Public Convenience and Necessity: (See companion bill HB 1826 by T. King.)

SB 1512 (Flores)– Utility Relocation: See companion bill HB 3089 by Martinez

VESTING

WATER/UNDERGROUND DISTRICTS

HB 722 (Larson) – Brackish Groundwater Development: would: (1) require groundwater conservation districts to adopt rules for the issuance of permits to withdraw brackish groundwater for public drinking water or an electric generation project if the district receives a petition from a person with a legally-defined interest in groundwater in the district; (2) provide for a minimum term of 30 years for a permit issued for a well the produces brackish groundwater from a designated brackish groundwater production zone; (3) require implementation of a monitoring system to monitor water levels and water quality of the source or adjacent source of the brackish water; (4) require the holder of a permit to report to the groundwater conservation district on the amount of brackish groundwater withdrawn, the average monthly water quality, and aquifer levels; (5) require that the district submit the application for permit to the Water Development Board for technical review; and (6) require that the Water Development Board submit a report of the review of the application before the district can schedule a hearing on the application.


HB 726 (Larson) – Groundwater Regulation: would, among other things, (1) require groundwater districts, when considering an application for a well, to consider whether the projected effect of the proposed production unreasonably affects aquifer conditions, artesian pressure, depletion, or subsidence, existing ground water and surface water resources, existing permit holders, or registered wells that are exempt from the requirement to obtain a permit; (2) prohibit a water district from denying a permit because the applicant intends to export the groundwater for use outside the district; (3) prohibit a water district from adopting a moratorium on the issuance of permits without notice and hearing; and (4) repeal the ability of water districts to modify a permit and require that a permit state the amount of water to be withdrawn.

HB 1044 (Zweiner) – Permits for Injection Wells in Edwards Aquifer. Relating to permits for certain injection wells that transect a portion of the Edwards Aquifer. Companion bill is SB 483 by Campbell. Ed Note: provides for improved ability to have aquifer storage and recovery. This is being coordinated with the Barton Springs Edwards Aquifer Conservation District, a few cities, and the Texas Water Development Board. Everybody is on-board with it including environmental groups. And it promotes water conservation.


HB 2098 (Nevarez) – Border Wall Study: would require the Texas Water Development Board and the Texas Commission on Environmental Quality to conduct a study regarding the effects of the construction of a border wall on watershed drainage, groundwater, and surface water.

HB 2122 (Harris) – Groundwater Conservation Districts: would apply only to a district that regulates production based on tract size or acreage, and would provide that: (1) a retail public utility, including a city, may petition a district to authorize the retail public utility to produce groundwater based on: (a) the aggregate acreage owned or leased by the retail public utility; and (b) the acreage of the landowners served by the retail public utility; (2) a district may only base a retail public utility’s authorized production amount in a manner consistent with district rules and based on acreage of landowners served by the retail public utility if: (a) the utility has acquired from the landowner a real property interest in the groundwater beneath the land; or (b) the landowner has provided written permission for the retail public utility to exercise the utility’s real property interest in the groundwater beneath the landowner’s land until the landowner: (i) drills a well and produces water from the land; or (ii) transfers title to the land or real property interest in the groundwater to another person; (3) the district shall hold a public hearing to consider approval of a petition submitted under the bill; and (4) the district shall require the retail public utility submitting the petition to provide written notice of the hearing not later than the 60th day before the date of the hearing to: (a) the landowners served by the retail public utility; (b) persons with permitted or registered wells in the district; and (c) other persons who have a property interest in groundwater under land that is within one mile of the utility’s wells in the district.
HB 2123 (Harris) – Groundwater Conservation Districts: would provide that: (1) a person with groundwater ownership and rights may petition the district where the property that gives rise to the ownership and rights is located to adopt a rule or modify a district rule; (2) the district shall hold a hearing on a petition in the same manner as a rulemaking hearing; (3) after a hearing, the district shall grant or deny the petition and may grant or deny the petition wholly or partly; (4) the district shall provide an explanation for the action the district takes on the petition, including a determination about the consistency of the action with the concerns raised by the petitioner’s explanation; and (5) as soon as practicable after a petition or a portion of a petition is granted, the district shall engage in rulemaking consistent with the granted petition or the granted portion of the petition.

HB 2249 (Lucio) – Groundwater Conservation Districts: would provide that: (1) in regulating the production of groundwater based on tract size or acreage, a district shall consider the service area of a retail public utility, including a city, that serves the territory where production is regulated by the district; (2) to determine the service area of a retail public utility for consideration under the bill, a district shall determine the number of acres in the retail public utility’s service area that overlie the aquifer from which a completed or proposed well owned by the retail public utility will produce groundwater and deduct from that number the number of acres in that portion of the service area that the district has permitted to landowners; and (3) on the anniversary of the date the permit was issued to the retail public utility, the district shall adjust the permit held by the retail public utility to account for the number of acres permitted to landowners in that portion of the service area since the most recent determination of acreage of the service area. The bill would also provide that, in relation to a district that regulates production based on tract size or acreage: (1) the district may not deny a permit for the production of groundwater to a landowner because of the location of a well owned by a retail public utility; and (2) a retail public utility may not file a protest or objection to a landowner’s application for a permit if the proposed well is located in the retail public utility’s service area.

HB 2957 (Zwierner) – Texas Water Development Board Funding: would: (1) require certain projects, including a municipal water supply project in an amount that exceeds $500,000 to an entity that is a retail public utility or a public entity, seeking financial assistance from the Texas Water Development Board have a water conservation program in place that includes mandatory time-of-day limitations on outdoor watering by its customers; (2) that the requirements in (1) may be waived to meet an emergency need; and (3) require the TWDB to adopt rules to implement the bill and provide guidance to recipients of financial assistance. ( Companion bill is SB 1379 by Rodriguez.)

SB 483 (Campbell) - Permits for Injection Wells in Edwards Aquifer. See companion bill HB 1044 (Zwierner)

SB 1379 (Rodriguez – Texas Water Development Board Funding: (See companion bill HB 2957 by Wiener)

WIRELESS including CELLULAR FACILITIES
Ed. Note - NEW FCC ORDERS – Check with your cellular expert.
January 25 - Good Small Cell Bill - Introduced in Congress Congresswoman Anna Eshoo (D – California) has introduced legislation to overturn the Federal Communications Commission’s preemptive “small cell order.” The “Accelerating Wireless Broadband Deployment by Empowering Local Communities Act of 2019” (H.R. 530), was endorsed on introduction by the City of San Jose, the National League of Cities, the National Association of Counties, and the National Association of Telecommunications Officers and Advisors. More details will follow.


ZONING
HB 795 (Patterson) – Zoning: would provide that a city may enforce its zoning or other land use regulations, including a specific use permit requirement, against an electric cooperative so long as the regulation does not: (1) operate to exclude the electric cooperative from the city; or (2) directly conflict with a certification granted by the Public Utility Commission.
HB 1228 (Shaheen) – City Regulation of Low-THC Cannabis: would provide that: (1) a city may enact reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas and ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations; (2) a city may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis; and (3) a rule, ordinance, resolution, or other regulation that violates (1) or (2) is void and unenforceable.

HB 1533 (Collier) – Zoning: would authorize a political subdivision to adopt zoning regulations to govern the exhibition of a music or skill or pleasure coin-operated machine.

SB 968 (Hancock) – Charter Schools: would: (1) require a city to consider an open-enrollment charter school a school district for purposes of zoning, permitting, code compliance, and development, including land development standards in territory that a city has annexed for limited purposes; (2) prohibit a city from enacting or enforcing an ordinance or regulation that prohibits an open-enrollment charter school from operating at any location or within a zoning district in the city; (3) provide that an open-enrollment charter school is not required to pay impact fees unless the school’s governing body consents to the payment; and (4) provide that an open-enrollment charter school may be exempt from utility drainage ordinances and regulations, and provide that any such exemption granted to a school district before the effective date of the bill automatically extends to all open-enrollment charter schools located in a city.

SB 1000 (Watson) – Homeless Houston: would provide that: (1) a city zoning or land use ordinance may not prohibit a religious organization from: (a) using the religious organization’s facility as housing for homeless individuals; or (b) having housing units on the organization’s property for homeless individuals; (2) a city may adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization’s property; and (3) a city shall require a religious organization providing housing for homeless individuals to provide electricity and heat for each housing unit and at least one kitchen and bathroom on the property that may be used by the individuals.

SB 1304 (Bettencourt) – Zoning: (1) requires a zoning commission to give written notice of a public hearing on a proposed zoning change to each real property owner wholly or partly located in an unincorporated area of the county if the nearest property line is located not more than two miles from the nearest boundary of the area for which the zoning change is proposed; and (2) require the notice in (1) be provided by U.S. mail to the property owner, as indicated on the most recently approved county tax roll, not later than 10th day before the date of hearing. https://capitol.texas.gov/Search/DocViewer.aspx?ID=86RSB013041B&QueryText=%22sb+1304%22&DocType=B

Zoning of Gaming Establishments: See Gambling Section, Specifically HB 1972 (Collier), HB 1533 (Collier), SB 1469 (Powell) SB 1470 (Powell)

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

Interim Reports: 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 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 (SB 6) to better determine its impact on municipalities 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 regard 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 SB 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 proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation; (4) in addition to publishing notice of annexation hearings in a newspaper of general circulation in the city and area to be annexed, the notice must be published in a newspaper of publish notice of the hearings in a newspaper of general circulation in any area that would be newly included in the city’s ETJ resulting from the proposed annexation; and (5) if applicable, the notice for each annexation hearing must include: (a) a statement that the completed annexation of the area will expand the city’s ETJ; (b) a description of the area that would be newly included in the city’s ETJ; (c) a statement of the purpose of ETJ designation; and (d) a list of municipal ordinances that would be applicable in the area that would be newly included in the city’s ETJ; and (6) in addition to the notice requirements for a plan-exempt annexation, a home rule city, before it may institute annexation proceedings, shall create and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the city’s ETJ as a result of the proposed annexation.)

4. The legislature should consider reviewing non-annexation agreements to address any ambiguity that may exist in order to clarify whether non-annexation agreements extend a city’s ETJ, and whether these agreements can be considered for the purposes of calculating the boundaries of an ETJ.

**Housing Affordability Charge:**

Examine issues that impact housing affordability, including the effect of local government taxes, fees, and mandates. Evaluate the cost of purchasing a single-family residence in different parts of the state, factoring in the impact of local rules and regulations, to identify matters of policy with the greatest influence, and identify ways to increase transparency and awareness prior to the adoption of costly local ordinances or orders.

**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 SB 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.