



Legislative UPDATE

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Act Now: Who Will Represent Your City at the TML Business Meeting at the 2019 TML Annual Conference and Exhibition?!

The 2019 TML Annual Conference in San Antonio on October 9-11 will feature a new process to consider resolutions submitted by the membership. In lieu of a separate resolutions committee meeting, all resolutions will go directly to the membership at the TML business meeting on October 10 at 3:30 p.m. Each city is entitled to one voting delegate at the business meeting. The delegate isn't required to have any special expertise, and an elected official delegate is encouraged but not required. The delegate must either sign up electronically at <https://www.tml.org/FormCenter/Member-Resources-5/2019-TML-Business-Meeting-66> prior to the meeting or in person at a table outside of the meeting room. Cities are encouraged to sign up their delegate early using the link above. All city officials are welcome to attend the meeting, whether or not they are a voting delegate.

Post Session Update: Building Materials

[H.B. 2439](#) by Representative Dade Phelan (R – Beaumont) is effective September 1, 2019, and generally provides – with some exceptions – that a city can't regulate building materials or methods beyond those in a nationally-recognized building code.

More specifically, it provides that a city may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that: (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation,

maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

Examples of materials allowed by the 2018 International Residential Code for home exteriors include, among others: (1) concrete, stone, or masonry; (2) fiber cement siding; (3) horizontal aluminum; (4) vinyl siding; or (5) wood siding. A city that has, through an IRC amendment or any other regulation, mandated a percent masonry requirement is thus preempted. A builder can now use vinyl siding or wood siding if he or she chooses because those are a “building product or material [that] is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.”

The bills prohibitions aren’t limited to aesthetic building products or materials. Any city that has amended any building code should review those amendments with their building official and legal counsel to determine if an amendment runs afoul of the bill’s prohibitions.

The bill provides certain exceptions to the above, such as historic landmarks and districts in certain circumstances. League staff has prepared a [legal Q&A](#) on the bill’s requirements. In addition, the Texas Chapter of the American Planning Association (a TML affiliate) is [conducting a webinar](#) on this bill and others on August 19.

Post Session Update: H.B. 3167 Development Applications

[House Bill 3167](#) by Rep. Tom Oliverson (R – Houston) is legislation that becomes effective on September 1, 2019. The bill makes numerous changes to the subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes.

League staff has prepared a [legal Q&A and chart](#) explaining on the bill’s requirements. In addition, the Texas Chapter of the American Planning Association (a TML affiliate) is [conducting a webinar](#) on this bill and others on August 19.

Post Session Update: Reduced Energy Consumption

During the 2019 session, the legislature extended the requirement for electric consumption reduction in “affected” counties until 2026. Affected counties (listed in [Health & Safety Code § 386.001](#)) are essentially those that are nearing non-attainment status under federal air quality rules.

[Senate Bill 241](#) requires cities in affected counties to establish a goal to reduce the city's electric consumption by at least five percent each state fiscal year for seven years, beginning September 1, 2019.

As before, a city in an affected county must [report its efforts](#) to meet the goal and its progress to the State Energy Conservation Office. A city that fails to meet the goal required by the bill must include a justification that it has already implemented all available cost-effective measures in the report.

SECO provides [technical assistance](#) to local governments to meet the reduction requirements.

More on Cybersecurity Training: Does Your City Provide In-House Training?

House Bill 3834, which became effective on June 14, 2019, mandates cybersecurity training for city officials and employees. The bill allows the Texas Department of Information Resources, which is responsible for implementation, to identify and certify training programs that are already provided by local governments.

DIR has developed a [short survey](#) to gather information for developing and finalizing its process to certify existing training programs. (The survey should take less than five minutes to complete, and must be completed by August 2, 2019.) This is not a submission for certification. Rather, it is a survey to determine which programs may be eligible.

Resolutions for the 2019 TML Annual Conference

The TML Constitution states that resolutions for consideration at the annual conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2019, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than 5:00 p.m. on **August 26, 2019**. For details on the submission process, go to:

<https://www.tml.org/DocumentCenter/View/1224/2019-Resolutions-Memo>.

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