

TML LEGISLATIVE UPDATE



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Number 19

Final Weeks of 88th Legislature

With 17 days left in session, the hard work of city officials has been instrumental in promoting policies that will benefit city residents across the state. Important deadlines are now being reached in the Texas House that have significantly reduced the number of bills that are able to continue moving through the process in session.

The list below in no way represents every city-related bill that still has the ability to pass this session. It also doesn't account for the ability for certain concepts in bills that are no longer viable from being added to other bills still moving through the process, if germane. The following list represents bills we commonly receive questions about from city officials. For all these bills, we strongly encourage interested city officials to continue the dialogue with their elected senators and representatives about the impact of the legislation on their communities.

Preemption

- [H.B. 2127](#) by Burrows would prevent cities and counties from adopting or enforcing local ordinances or orders related to any activity contained in several state codes unless expressly allowed by state law. The League has previously reported on the bill [here](#). TML provided

the Senate Committee on Business and Commerce this [letter](#) in opposition to the companion bill (S.B. 814) and testified in front of the House State Affairs Committee. H.B. 2127 is currently eligible for consideration by the Senate.

- [H.B. 2266](#) by Leach would allow a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder. The bill significantly expands city exposure to lawsuits regarding the impact of local regulations. TML provided the House Judiciary and Civil Jurisprudence Committee this [letter](#) in opposition to the bill. H.B. 2266 passed the House.
- [H.B. 2350](#) by Cody Harris would prohibit a city occupational license if the state issues an occupational license, with exceptions. The bill passed the House and has been referred to the Senate Committee on Business and Commerce.

Land Use

- [H.B. 3135](#) by Stucky would require the city to review each existing land development regulation once every ten years. The bill also provides that the city must produce an impact statement analyzing the costs, benefits, and risks associated with a new or modified land development regulation before adopting or modifying the regulation. House floor amendments limited the bill to apply only to cities and counties over 200,000 in population. H.B. 3135 passed the House.
- [H.B. 3699](#) by Wilson would make numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. TML provided the House Land and Resource Management Committee with this [letter](#) in opposition of the bill. H.B. 3699 passed the house.
- [H.B. 4175](#) by Cody Harris would require cities to provide full municipal services to a property owner located in the ETJ and not in the city limits within 30 months of the city denying or refusing to allow an activity or structure on that property. TML provided the House Land and Resource Management Committee this [letter](#) in opposition of the bill. H.B. 4175 passed the House and has been referred to the Senate Committee on Local Government.
- [S.B. 369](#) by Campbell, as filed, would provide that any area not receiving full municipal services is automatically disannexed as of December 31, 2023, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. Senate floor amendments eliminated the automatic disannexation provision and set up a complaint process for a property owner to be disannexed. TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 369 passed the Senate.
- [S.B. 1412](#) by Hughes would authorize a property owner to build, sell, or rent an accessory dwelling unit (ADU) in any residential zoning district or un-zoned lot in a city. Further, the bill would prohibit a city from imposing regulations on ADUs, including certain

regulations on size, parking, or external feature requirements. This would effectively preempt local regulation of ADUs in city neighborhoods. The committee substitute protects deed restrictions and homeowner association rules that limit or prohibit ADUs. TML provided the Senate Committee on Local Government this [letter](#) in opposition to the bill. S.B. 1412 passed the Senate and has been voted out of the House Land & Resource Management Committee.

- [S.B. 1787](#) by Bettencourt would prohibit a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre. It also prohibits the application of numerous land use regulations on “small lots,” which are defined in the bill as lots that are 4,000 square feet or less. Applies to cities in counties with a population of 300,00 or more. TML provided this [letter](#) to the Senate Committee on Local Government. S.B. 1787 passed the Senate.

Other

- [S.B. 221](#) by Bettencourt would set up a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML provided this [letter](#) in opposition to the Senate Committee on State Affairs and testified in front of the House Elections Committee in opposition. S.B. 221 has passed the Senate and was voted out of the House Elections Committee.
- [H.B. 471](#) by Patterson would, among other things, require cities to provide paid illness and injury leave for first responders for up to one year. H.B. 471 passed the House and has been referred to the Senate Committee on Business and Commerce.
- [S.B. 1419](#) by Birdwell would prohibit a city from granting a tax abatement under a Chapter 380 economic development agreement, add public meeting and notice requirements related to 380 agreements, and provide that a city may not enter into a 380 agreement for a period exceeding 10 years, with up to three five-year renewals. TML testified before the Senate Committee on Natural Resources and Economic Development. S.B. 1419 passed the Senate and has been referred to the House Ways & Means Committee.

Bills on the Move

Significant Floor Action

[H.B. 1348](#) (Stucky), prohibiting a city from regulating the practice of veterinary medicine. Passed the House.

[H.B. 1579](#) (Canales), prohibiting punitive action against a firefighter without an administrative investigation. Applies to cities with a population of 10,000 or more regardless of if the city is covered by meet and confer or a collective bargaining agreement. Passed the House.

H.B. 1922 (Dutton/Bettencourt), requiring a review of building permit fees every 10 years. Passed the Senate.

H.B. 2232 (Spiller), allowing a property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats. Passed the House.

H.B. 2266 (Leach), allowing a state license holder to bring legal action against a city if city regulation results in adverse economic impact on the license holder. Passed the House.

H.B. 2308 (Ashby/Perry), limiting city regulation of agricultural operations within city limits and ETJ. Sent to Governor.

H.B. 2665 (Gates), creating a task force to study the impact of local short-term rental laws. Passed the House.

H.B. 3135 (Stucky), requiring a city to review each existing land development regulation once every ten years and produce an impact statement analyzing the costs, benefits, and risks associated with a new or modified land development regulation. Passed the House.

H.B. 3699 (Wilson), making numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. Passed the House.

H.B. 4285 (Rogers), prohibiting a city from enforcing its outdoor sign ordinance in the ETJ. Passed the House.

S.B. 369 (Campbell), providing that any area not receiving full municipal services may be disannexed, unless the city is not required to provide full municipal services under an annexation service plan or has entered a written agreement. TML provided [written testimony](#). Passed the Senate.

S.B. 543 (Blanco/Ordaz), allowing a city to transfer real property under a Chapter 380 agreement. Passed the House.

S.B. 1117 (Hancock), defining video services to not include streaming for franchise fee purposes. Passed the Senate.

S.B. 1787 (Bettencourt), prohibiting a city from adopting or enforcing an ordinance that requires a residential lot to be larger than 2,500 square feet, wider than 16 feet, or deeper than 30 feet, or if regulating the density of dwelling units on a residential lot, a ratio of less than 31.1 homes per acre, and from adopting certain other requirements on small lots. Applies to cities in counties with a population of 300,000 or more. Passed the Senate.

S.B. 2038 (Bettencourt/C. Bell) requiring a city to release an area from the ETJ on petition or by election. TML [testified](#) in committee and provided [written testimony](#). Sent to governor.

Significant Committee Action

H.B. 2970 (Guillen), allowing HUD-code homes in all residential zones under certain circumstances. TML [testified](#) in committee. Left pending after hearing in Senate Local Government.

H.B. 3053 (Dean), requiring an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. The committee substitute applies to certain cities over 500,000 in population. Voted from Senate Local Government.

H.B. 4878 (Rogers), allowing an ESD to have exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD's territory overlaps with the territory of another political subdivision authorized to provide emergency services. The committee substitute voted from House County Affairs. Set on Local Calendar for 5/12.

S.B. 221 (Bettencourt) setting a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML provided [written testimony](#). TML also [testified](#) in front of the House Elections Committee in opposition. Voted from House Elections.

S.B. 491 (Hughes/Hefner), prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Voted from House Land & Resource Management.

S.B. 767 (Parker), requires a fee schedule of new and increased fees to be on the city's budget's cover page and for cities over 30,000 to establish and maintain an email notification service regarding new or increase fees. Committee substitute voted from House Urban Affairs.

S.B. 1252 (Bettencourt), requiring certain language indicating a tax increase on ballot propositions. Left pending after hearing in House Ways & Means.

S.B. 1412 (Hughes), allowing an accessory dwelling unit (ADU) in a single-family zoning or unzoned areas by right, and prohibits much of a city's ability to regulate an ADU. Voted from House Land & Resource Management.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

National League of Cities (NLC)

Registration for the [Local Infrastructure Hub](#), sponsored by NLC and the U.S. Conference of Mayors, among others, is now live. The Hub is designed to help city officials navigate the funding programs made available by the IIJA. Interested city officials can sign up for the mailing list, attend virtual learning events, and access articles and other resources on some of the key IIJA funding opportunities. [Upcoming events](#) include:

- May 16: Advancing Workforce Equity Under IIJA and BIL. You may [register here](#).

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony, let us know by an email to alyssa@tml.org, and we'll recognize you in next week's edition.

- Jeffrey L. Boney, Councilmember, City of Missouri City
- Demetra Conrad, Councilmember, City of Glen Rose
- Debra Davison, Mayor, City of Manvel
- Samuel Peña, Fire Chief, City of Houston

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