

By: Harris

H.B. No. 884

A BILL TO BE ENTITLED

AN ACT

relating to local government regulations based on utility service type.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011. PROHIBITION ON REGULATIONS BASED ON TYPE OF UTILITY SERVICE. (a) A political subdivision requiring the issuance of a building permit may not deny a permit application based on the type of utility service provided to the project.

(b) A political subdivision issuing a building permit shall ensure that all applicable permits and fees contain requirements and amounts that do not:

(1) exceed the requirements and amounts for the use of other types of utility services; or

(2) have the effect of restricting a permit applicant's ability to use a specific type of utility service from a provider that is authorized to provide service.

(c) An ordinance, order, or other regulation adopted by a political subdivision may not restrict a person's ability to use a specific type of utility service from a provider that is authorized to provide service.

(d) A political subdivision may not impose a fine, penalty, or other requirement based on type of utility service that has the

1 effect of restricting a utility provider's authority to operate or
2 serve customers.

3 (e) This section does not affect the authority of a
4 political subdivision to:

5 (1) manage the public highways within the political
6 subdivision's boundaries; or

7 (2) exercise the political subdivision's police powers
8 to review and approve an application before issuing a permit.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.