

By: Stucky

H.B. No. 3135

A BILL TO BE ENTITLED

AN ACT

relating to the review, adoption, and modification of land development regulations by certain municipalities, counties, and special districts.

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

SECTION 1. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. REVIEW, ADOPTION, AND MODIFICATION OF LAND

DEVELOPMENT REGULATIONS

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Land development regulation" means an ordinance, order, rule, or other regulation or standard of a political subdivision that regulates:

(A) zoning;

(B) subdivision requirements;

(C) development review and planning requirements;

(D) commercial, residential, and multifamily building and construction codes;

(E) fire, electric, heating, plumbing, energy conservation, water, and flooding codes;

(F) development license, permit, and application fees; or

(G) any other related aspect of land development

1 as determined by the political subdivision.

2 (2) "Political subdivision" means a:

3 (A) county; or

4 (B) municipality.

5 Sec. 247.002. APPLICABILITY. This chapter applies only to  
6 a political subdivision with a population of 200,000 or more that  
7 imposes a tax.

8 Sec. 247.003. REVIEW OF EXISTING LAND DEVELOPMENT  
9 REGULATIONS. (a) The governing body of a political subdivision  
10 shall review the costs, benefits, and risks of the existing land  
11 development regulations of the political subdivision.

12 (b) The governing body shall review each existing land  
13 development regulation at least once every 10 years.

14 (c) A review of a land development regulation under this  
15 section must consider:

16 (1) the regulation's impact on housing development;

17 (2) whether the regulation remains appropriate and  
18 benefits landowners, residents, or the public;

19 (3) whether the regulation impedes the use of  
20 technologies and techniques that conserve energy or water;

21 (4) the benefits of the regulation for affected  
22 parties;

23 (5) the extent to which landowners, residents, or the  
24 public incur costs as a result of the regulation;

25 (6) the effect on persons regulated under the  
26 regulation; and

27 (7) the administrative or enforcement costs for the

1 regulation that are paid by taxpayers.

2 (d) In reviewing a land development regulation under this  
3 section, the governing body of the political subdivision shall hold  
4 at least one public hearing and provide an opportunity for public  
5 comment.

6 (e) On completing a review of a land development regulation  
7 under this section, the governing body of the political subdivision  
8 shall repeal, amend, or readopt the regulation. The governing body  
9 shall repeal or amend a regulation that interferes with the  
10 production of new housing or development related to existing  
11 housing.

12 Sec. 247.004. IMPACT STATEMENT FOR AND AUTHORITY TO ADOPT  
13 OR MODIFY PROPOSED LAND DEVELOPMENT REGULATIONS. (a) Before the  
14 governing body of a political subdivision may adopt or modify a land  
15 development regulation, the governing body shall analyze the costs,  
16 benefits, and risks of the proposed regulation and issue an impact  
17 statement.

18 (b) An impact statement required by Subsection (a) must  
19 include:

20 (1) an analysis of the fiscal impact of the proposed  
21 land development regulation;

22 (2) a determination of whether the proposed land  
23 development regulation provides benefits to the health and welfare  
24 of the residents of the political subdivision that adopted or  
25 modified the regulation that outweigh any costs found by the  
26 analysis required by Subdivision (1); and

27 (3) the proposed land development regulation's impact

1 on housing costs in the political subdivision.

2 (c) A political subdivision may adopt or modify a proposed  
3 land development regulation only if the political subdivision  
4 determines that the regulation:

5 (1) is consistent with the political subdivision's  
6 public health and safety priorities;

7 (2) has a minimal fiscal impact; and

8 (3) positively impacts or does not adversely impact  
9 housing costs for residents of the political subdivision.

10 (d) A political subdivision shall make an impact statement  
11 required by Subsection (a) available for review by the public.

12 SECTION 2. Not later than September 1, 2028, the governing  
13 body of each municipality, county, and special purpose district  
14 shall conduct an initial review of each land development regulation  
15 under Section 247.003, Local Government Code, as added by this Act.

16 SECTION 3. This Act takes effect September 1, 2023.