

By: Stucky

H.B. No. 3135

Substitute the following for H.B. No. 3135:

By: Burns

C.S.H.B. No. 3135

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 CHAPTER 247. REVIEW, ADOPTION, AND MODIFICATION OF LAND

9 DEVELOPMENT REGULATIONS

10 Sec. 247.001. DEFINITIONS. In this chapter:

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

14 (A) zoning;

15 (B) subdivision requirements;

16 (C) development review and planning
17 requirements;

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

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

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

24 (G) any other related aspect of land development

1 as determined by the political subdivision.

2 (2) "Political subdivision" means a:

3 (A) county;

4 (B) municipality; or

5 (C) special purpose district that has authority
6 over building codes, development, or land use in the district.

7 Sec. 247.002. REVIEW OF EXISTING LAND DEVELOPMENT
8 REGULATIONS. (a) The governing body of a political subdivision
9 shall review the costs, benefits, and risks of the existing land
10 development regulations of the political subdivision.

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

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

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

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

18 (3) the benefits of the regulation for affected
19 parties;

20 (4) the extent to which landowners, residents, or the
21 public incur costs as a result of the regulation;

22 (5) the effect on persons regulated under the
23 regulation; and

24 (6) the administrative or enforcement costs for the
25 regulation that are paid by taxpayers.

26 (d) In reviewing a land development regulation under this
27 section, the governing body of the political subdivision shall hold

1 at least one public hearing and provide an opportunity for public
2 comment.

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

9 Sec. 247.003. IMPACT STATEMENT FOR AND AUTHORITY TO ADOPT
10 OR MODIFY PROPOSED LAND DEVELOPMENT REGULATIONS. (a) Before the
11 governing body of a political subdivision may adopt or modify a land
12 development regulation, the governing body shall analyze the costs,
13 benefits, and risks of the proposed regulation and issue an impact
14 statement.

15 (b) An impact statement required by Subsection (a) must
16 include:

17 (1) an analysis of the fiscal impact of the proposed
18 land development regulation;

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

24 (3) the proposed land development regulation's impact
25 on housing costs in the political subdivision.

26 (c) A political subdivision may adopt or modify a proposed
27 land development regulation only if the political subdivision

1 determines that the regulation:

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

4 (2) has a minimal fiscal impact; and

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

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

9 SECTION 2. Not later than September 1, 2028, the governing
10 body of each municipality, county, and special purpose district
11 shall conduct an initial review of each land development regulation
12 under Section 247.002, Local Government Code, as added by this Act.

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