

By: Stucky

H.B. No. 3135

A BILL TO BE ENTITLED

AN ACT

relating to the review and adoption of land development regulations by municipalities, counties, and certain 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 AND ADOPTION OF LAND DEVELOPMENT REGULATIONS

Sec. 247.001. DEFINITIONS. In this chapter:

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

(A) zoning;

(B) subdivision requirements;

(C) development requirements;

(D) building codes; and

(E) fire codes.

(2) "Political subdivision" means a:

(A) county;

(B) municipality; or

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

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

1 development regulations of the political subdivision.

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

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

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

7 (2) whether the regulation benefits landowners or the  
8 public;

9 (3) the benefits of the regulation for affected  
10 parties;

11 (4) the extent to which landowners or the public incur  
12 costs as a result of the regulation;

13 (5) the effect on persons regulated under the  
14 regulation; and

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

17 (d) In reviewing a land development regulation under this  
18 section, the governing body of the political subdivision shall hold  
19 a public hearing and provide an opportunity for public comment.

20 (e) On completing a review of a land development regulation  
21 under this section, the governing body of the political subdivision  
22 shall repeal, amend, or readopt the regulation. The governing body  
23 shall repeal or amend a regulation that interferes with the  
24 production of new housing or development related to existing  
25 housing.

26 Sec. 247.003. IMPACT STATEMENT FOR AND AUTHORITY TO ADOPT  
27 PROPOSED LAND DEVELOPMENT REGULATIONS. (a) Before the governing

1 body of a political subdivision may adopt a land development  
2 regulation, the governing body shall analyze the costs, benefits,  
3 and risks of the proposed regulation and issue an impact statement.

4 (b) An impact statement required by Subsection (a) must  
5 include:

6 (1) an analysis of the fiscal impact of the proposed  
7 land development regulation;

8 (2) a determination of whether the proposed land  
9 development regulation provides benefits to the health and welfare  
10 of the residents of the political subdivision that adopted the  
11 regulation that outweigh any costs found by the analysis required  
12 by Subdivision (1); and

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

15 (c) A political subdivision may adopt a proposed land  
16 development regulation only if the political subdivision  
17 determines that the regulation:

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

20 (2) has a minimal fiscal impact; and

21 (3) mitigates housing costs for residents of the  
22 political subdivision.

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

25 SECTION 2. Not later than September 1, 2028, the governing  
26 body of each municipality, county, and special purpose district  
27 shall conduct an initial review of each land development regulation

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1 under Section 247.002, Local Government Code, as added by this Act.

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