

By: Coleman

H.B. No. 4648

A BILL TO BE ENTITLED

AN ACT

1
2 Authorizing municipalities located in counties having a population
3 of more than three million to create residential management
4 districts under Chapter 375, Local Government Code, and prescribing
5 their powers and authority.

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

7 SECTION 1. APPLICABILITY. This subchapter applies only to a
8 municipality the majority of the population of which is located in a
9 county with a population of more than three million.

10 SECTION 2. Title 12, Local Government Code, Subtitle A, Chapter
11 375, Section 375.021(a) is amended to read as follows:

12 "(a) A district may be created only:

13 (1) in an area devoted primarily to commercial development
14 and business activity inside the boundaries of a municipality with
15 a population of at least 25,000; or

16 (2) in an area devoted primarily to commercial development
17 or business activity.

18 (3) as a Residential Management District.

19 SECTION 3. Title 12, Local Government Code, Subtitle A, Chapter
20 375, Section 375.027 is amended to read as follows:

21 "A district may not be created within the boundaries of a
22 municipality with a population of more than 1,500,000 unless the
23 district is:

24 (1) outside a radius of 3.5 miles from the county courthouse; or

1 (2) created by a local law bill passed by the legislature; or

2 (3) a Residential Management District.

3 SECTION 4. Title 12, Local Government Code, Subtitle A, Chapter
4 375, amended to add a new Section 375.094 to read as follows:

5 a. DEFINITIONS. In this Section:

6 (1) "Residential area" means an area located in a
7 municipality more than fifty percent of the assessed value of which
8 is single-family or small multi-family residential property;

9 (2) "Small multi-family residential property" means
10 apartment houses having no more than eight living units.

11 (3) "Residential Management District" means a
12 residential area created by the municipality pursuant to this Act.

13 b. CREATION.

14 Upon petition by more than sixty percent of the owners of land
15 within defined boundaries of a Residential Area, which shall
16 include more than fifty percent of the assessed value within the
17 defined boundaries, the municipality shall create a Residential
18 Management District.

19 c. POWERS AND AUTHORITY.

20 (1) A Residential Management District, when created by
21 the municipality, may be authorized to carry out construction,
22 acquisition, improvement, relocation, operation, lease as lessee
23 or lessor, or maintenance of:

24 (A) landscaping; lighting, banners and signs;
25 streets, alleys, or sidewalks; pedestrian skywalks, crosswalks, or
26 tunnels; drainage improvements; pedestrian malls; solid waste,
27 water, sewer or power facilities, including, but not limited to,

1 electrical, gas, steam, cogeneration, and chilled water
2 facilities; parks, lakes, recreation, and scenic areas; fountains;
3 off-street parking systems and facilities, and the cost of any
4 demolition in connection with providing any such improvement
5 project;

6 (B) other improvements similar to those
7 described in Subdivision (A) of this subsection;

8 (C) the acquisition of real property or any
9 interest therein in connection with an authorized improvement in
10 any manner authorized the municipality; provided, however, the
11 district shall not have the power of eminent domain;

12 (D) special supplemental services for
13 improvements and promotion of the Residential Management District,
14 including but not limited to advertising, promotion, health and
15 sanitation, public safety, security, business recruitment,
16 development, elimination of traffic congestion, assistance in
17 improving transit and parking, recreation, and cultural
18 enhancements; and

19 (E) expenses incurred in the establishment,
20 administration, and operation of the district.

21 (F) establishment of land use regulations to the
22 extent authorized by Texas law, subject to approval by the
23 municipality.

24 (2) The board of directors of the district may set and
25 determine, and the district may charge, impose, levy, and collect
26 fees, charges, and tolls for the use of district improvements and
27 facilities.

1 d. SELECTION OF BOARD.

2 (1) The initial Board of Directors shall have no fewer
3 than five (5) or more than nine (9) directors, the initial members
4 of which shall be appointed by the municipality.

5 (2) No later than the next regularly-scheduled
6 municipal election, the Board shall be elected by residents of the
7 Residential Management District in the same manner as other
8 municipal elected officials.

9 SECTION 5. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2009.