

By: Phelan

H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a tree planting credit to offset tree mitigation fees
3 imposed by a municipality.

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

5 SECTION 1. Subchapter Z, Chapter 212, Local Government
6 Code, is amended by adding Section 212.905 to read as follows:

7 Sec. 212.905. TREE MITIGATION FEE CREDIT FOR PLANTED TREES.

8 (a) A municipality that imposes a tree mitigation fee for tree
9 removal that is necessary for development or construction on a
10 person's property must allow that person to apply for a credit for
11 tree planting under this section to offset the amount of the fee.

12 (b) An application for a credit under Subsection (a) must be
13 in the form and manner prescribed by the municipality. To qualify
14 for a credit under this section, a tree must be:

15 (1) planted on property:

16 (A) for which the tree mitigation fee was
17 assessed; or

18 (B) mutually agreed upon by the municipality and
19 the person; and

20 (2) at least two inches in diameter at the point on the
21 trunk 4.5 feet above ground.

22 (c) For purposes of Subsection (b)(1)(B), the municipality
23 and the person may consult with an academic organization, state
24 agency, or nonprofit organization to identify an area for which

1 tree planting will best address the science-based benefits of trees
2 and other reforestation needs of the municipality.

3 (d) The amount of a credit provided to a person under this
4 section must be:

5 (1) applied in the same manner as the tree mitigation
6 fee assessed against the person; and

7 (2) at least 50 percent of the amount of the tree
8 mitigation fee assessed against the person.

9 (e) As long as the municipality meets the requirement to
10 provide a person a credit under Subsection (a), this section does
11 not affect the ability of or require a municipality to determine:

12 (1) the size, number, and type of trees that must be
13 planted to receive a credit under this section, except as provided
14 by Subsection (b);

15 (2) the requirements for tree removal and
16 corresponding tree mitigation fees, if applicable; or

17 (3) the requirements for tree planting methods and
18 best management practices to ensure that the tree grows to the
19 anticipated height at maturity.

20 (f) This section does not apply to property within five
21 miles of a federal military base in active use as of December 1,
22 2017.

23 SECTION 2. The changes in law made by this Act apply only to
24 a tree mitigation fee assessed by a municipality on or after the
25 effective date of this Act.

26 SECTION 3. This Act takes effect December 1, 2017.