

By: Simmons, Workman, Paddie, Fallon, et al.

H.B. No. 1449

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting local governments from imposing certain fees on new construction.

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

SECTION 1. The legislature finds that:

(1) fees and exactions imposed by political subdivisions to fund subsidized housing materially increase the cost of housing construction and other forms of construction in the state; and

(2) it is in the state's interest to incentivize housing affordability for Texas residents by circumscribing regulatory burdens imposed on the housing industry by political subdivisions.

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. LINKAGE FEES PROHIBITED. (a) A political subdivision may not adopt or enforce a charter provision, ordinance, order, or other regulation that imposes, directly or indirectly, a fee on new construction for the purposes of offsetting the cost or rent of any unit of residential housing.

(b) This section does not apply to:

(1) an affordable housing and property tax abatement program:

(A) in existence on January 1, 2017;

1 (B) adopted under Chapter 378 by a municipality
2 with a population of more than 700,000; and

3 (C) for which eligibility is maintained as
4 required under Chapter 312, Tax Code;

5 (2) a residential density bonus program in which a
6 zoning waiver is issued for a voluntary fee payment; or

7 (3) the voluntary provision of affordable housing or
8 other defined public benefit.

9 (c) A charter provision, ordinance, order, or other
10 regulation adopted by a political subdivision that conflicts with
11 this section is null and void.

12 SECTION 3. The change in law made by this Act does not apply
13 to an agreement relating to providing subsidized housing entered
14 into before the effective date of this Act.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.