

By: Phelan

H.B. No. 2052

A BILL TO BE ENTITLED

AN ACT

relating to a tree planting credit to offset tree mitigation fees imposed by a municipality.

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

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

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

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

(b) An application for a credit under Subsection (a) must be in the form and manner prescribed by the municipality. The tree must be planted on property located in the municipality either owned by the person or mutually agreed upon by the municipality and the person.

(c) The amount of a credit provided to a person under this section must be applied in the same manner as the tree mitigation fee assessed against the person. If the amount of the tree mitigation fee is based on the size of the tree being removed, the amount of the credit must be based on at least 60 percent of the projected size of the planted tree at full maturity.

SECTION 2. The changes in law made by this Act apply only to

1 a tree mitigation fee assessed by a municipality on or after the
2 effective date of this Act.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.