

By: Nelson

S.B. No. 852

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 an ordinance, order, policy, or other measure that imposes, directly or indirectly, a fee or other charge on new construction for the purposes of offsetting the cost or rent of any unit of residential housing.

(b) Subsection (a) does not affect the authority of a political subdivision to impose a fee for granting an exemption or waiver from a zoning-related height restriction on a structure.

SECTION 3. This Act takes effect immediately if it receives

S.B. No. 852

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