

House Bill 1449
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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;

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

SENATE VERSION (IE)

SECTION 1. Same as House version.

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) For purposes of this section:

(1) a fee is imposed indirectly on new construction if a charter provision, ordinance, order, or other regulation allows acceptance by the political subdivision of a fee on new construction; and

(2) new construction includes zoning, subdivisions, site plans, and building permits associated with new construction.

(c) This section does not apply to:

- (1) an affordable housing and property tax abatement program;

(A) adopted under Chapter 378 or Chapter 312, Tax Code, by a municipality with a population of more than 700,000; and

CONFERENCE

House Bill 1449
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

SENATE VERSION (IE)

(B) for which eligibility is maintained as required under Chapter 312, Tax Code, as applicable; or

(2) an ordinance, order, or other similar measure that permits the voluntary payment of a fee in lieu of other consideration to a political subdivision in connection with the issuance of a zoning waiver related to new construction that allows a multifamily residential or commercial structure to exceed height or square footage limitations. [FA1]

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

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE