

PUBLIC COMMENTS

HB 1885

HOUSE COMMITTEE ON LAND & RESOURCE MANAGEMENT

Hearing Date: March 23, 2021 8:00 AM

Beth Bryant

myself

Georgetown, TX

I support HB1885 as a landowner whose property has been overregulated without my representation as a voter. I support transparent limitations of the municipalities control of property

Monty Wynn

Texas Municipal League

Austin, TX

March 23, 2021

The Honorable Joe Deshotel
Chairman, House Land and Resource Management
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Deshotel:

I am writing on behalf of the Texas Municipal League to express our opposition to H.B. 1885 by Harris. The bill would, with certain exceptions, prohibit a city from regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections.

The bill is presumably aimed at city regulations in the extraterritorial jurisdiction (ETJ). However, as worded, the bill's prohibitions would apply in the ETJ and any area inside the city where a resident is "ineligible or ha[s] only limited eligibility to vote in municipal elections."

Even assuming the bill is amended to apply only in the ETJ, it is extremely problematic. The ETJ, a concept created by the Texas Legislature in 1963, was established in order "to promote and protect the general health, safety, and welfare of persons residing in and adjacent to" cities, a sort of buffer zone outside of a city's corporate limits. Tex. Loc. Gov't Code § 42.001. This bill strips a city of its ability to fulfill this legislative purpose.

For example, this bill will deprive a city of its ability to regulate the following in the ETJ:

- slaughterhouses as authorized in Local Government Code Chapter 215;
- traffic safety as authorized in Local Government Code Chapter 216;
- infrastructure development as authorized in Local Government Code Chapter 395;
- water as authorized in Local Government Code Chapter 551; and
- city utility operations as authorized in Local Government Code Chapter 552.

These are only a few examples of the bill's impact. Because city authority to regulate in the ETJ is spread throughout state law,

Printed on: March 23, 2021 4:32 PM

it's difficult to compile a comprehensive list of the many ways in which this bill will negatively impact a city's ability to protect the health, safety, and welfare of those residing in and adjacent to the city. For these reasons, we oppose H.B. 1885.

Thank you for your consideration and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League

Juan Ayala, Major General (USMC Retired)
City of San Antonio - Office of Military & Veteran Affairs
San Antonio, TX

The City of San Antonio opposes HB 1885 and requests that the author please consider adding section 43.0117 of the Local Government Code to the list of exceptions.

During the negotiations during the 85th Legislature over SB 6, the annexation reform bill, language was included to recognize the need to ensure that development around military bases does not encroach upon or threaten the missions. As such, the current law allows cities to hold elections in those areas. If residents vote no, the area remains unincorporated, but the nearby city is able to enforce limited land use regulations (as recommended by a Joint Land Use Study with the DoD) for the sole purpose of ensuring compatible development occurs in those areas. This language is critically important to Joint Base San Antonio, which includes Ft. Sam Houston, Lackland AFB, Randolph AFB and Camp Bullis.

Calvin Tillman
Self
Valley View, TX

I urge your support HB 1885, and stop the blatant abuse of private property rights of hardworking Texans from overreaching municipalities.