88R15747 MP-D

By:  Stucky H.B. No. 3135

Substitute the following for H.B. No. 3135:

By:  Burns C.S.H.B. No. 3135

A BILL TO BE ENTITLED

AN ACT

relating to the review, adoption, and modification of land development regulations by municipalities, counties, and certain special districts.

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

SECTION 1.  Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. REVIEW, ADOPTION, AND MODIFICATION OF LAND DEVELOPMENT REGULATIONS

Sec. 247.001.  DEFINITIONS. In this chapter:

(1)  "Land development regulation" means an ordinance, order, rule, or other regulation or standard of a political subdivision that regulates:

(A)  zoning;

(B)  subdivision requirements;

(C)  development review and planning requirements;

(D)  commercial, residential, and multifamily building and construction codes;

(E)  fire, electric, heating, plumbing, energy conservation, water, and flooding codes;

(F)  development license, permit, and application fees; or

(G)  any other related aspect of land development as determined by the political subdivision.

(2)  "Political subdivision" means a:

(A)  county;

(B)  municipality; or

(C)  special purpose district that has authority over building codes, development, or land use in the district.

Sec. 247.002.  REVIEW OF EXISTING LAND DEVELOPMENT REGULATIONS. (a) The governing body of a political subdivision shall review the costs, benefits, and risks of the existing land development regulations of the political subdivision.

(b)  The governing body shall review each existing land development regulation at least once every 10 years.

(c)  A review of a land development regulation under this section must consider:

(1)  the regulation's impact on housing development;

(2)  whether the regulation remains appropriate and benefits landowners, residents, or the public;

(3)  the benefits of the regulation for affected parties;

(4)  the extent to which landowners, residents, or the public incur costs as a result of the regulation;

(5)  the effect on persons regulated under the regulation; and

(6)  the administrative or enforcement costs for the regulation that are paid by taxpayers.

(d)  In reviewing a land development regulation under this section, the governing body of the political subdivision shall hold at least one public hearing and provide an opportunity for public comment.

(e)  On completing a review of a land development regulation under this section, the governing body of the political subdivision shall repeal, amend, or readopt the regulation. The governing body shall repeal or amend a regulation that interferes with the production of new housing or development related to existing housing.

Sec. 247.003.  IMPACT STATEMENT FOR AND AUTHORITY TO ADOPT OR MODIFY PROPOSED LAND DEVELOPMENT REGULATIONS. (a) Before the governing body of a political subdivision may adopt or modify a land development regulation, the governing body shall analyze the costs, benefits, and risks of the proposed regulation and issue an impact statement.

(b)  An impact statement required by Subsection (a) must include:

(1)  an analysis of the fiscal impact of the proposed land development regulation;

(2)  a determination of whether the proposed land development regulation provides benefits to the health and welfare of the residents of the political subdivision that adopted or modified the regulation that outweigh any costs found by the analysis required by Subdivision (1); and

(3)  the proposed land development regulation's impact on housing costs in the political subdivision.

(c)  A political subdivision may adopt or modify a proposed land development regulation only if the political subdivision determines that the regulation:

(1)  is consistent with the political subdivision's public health and safety priorities;

(2)  has a minimal fiscal impact; and

(3)  positively impacts or does not adversely impact housing costs for residents of the political subdivision.

(d)  A political subdivision shall make an impact statement required by Subsection (a) available for review by the public.

SECTION 2.  Not later than September 1, 2028, the governing body of each municipality, county, and special purpose district shall conduct an initial review of each land development regulation under Section 247.002, Local Government Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2023.