

BILL ANALYSIS

C.S.H.B. 4350
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State law currently requires a community seeking to incorporate as a Type B general-law municipality to constitute an unincorporated town or village. There are concerns that state law does not establish the criteria under which a community is considered to constitute an unincorporated town or village making this requirement unnecessarily difficult for some communities that wish to do so. C.S.H.B. 4350 seeks to address this issue by removing this as a condition that must be satisfied for incorporation and instead requiring a community to have proximity and contiguity between its dwellings and a minimum population density.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4350 amends the Local Government Code to change the conditions that must be satisfied for a community to incorporate as a Type B general-law municipality as follows:

- replaces the condition that the community constitute an unincorporated town or village with a condition that the community have proximity and contiguity between its dwellings; and
- includes as a new condition that the community have a population density of at least 100 inhabitants per square mile.

The bill requires the plat of the proposed municipality that is provided with the application for incorporation to contain the dwellings located in the territory that is to be used strictly for municipal purposes.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4350 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a condition not included in the original that a community must satisfy to incorporate as a Type B general-law municipality the condition that the community have a population density of at least 100 inhabitants per square mile, whereas the original did not include this condition.