

SUBJECT: Prohibiting certain regulations on amplified sound in Austin

COMMITTEE: Culture, Recreation and Tourism — committee substitute recommended

VOTE: 5 ayes — K. King, Burns, Clardy, Frullo, Krause
3 nays — Israel, Martinez, C. Morales
1 present not voting — Gervin-Hawkins

WITNESSES: For — Brett Vance; (*Registered, but did not testify*: Robert Drummond and Caleb Kilborn, Greenlight Social; Austin Talley, Whiskey Tango Foxtrot Icehouse; and 14 individuals)
Against — Brian Block, City of Austin; (*Registered, but did not testify*: Stephanie Ashworth; Susana Carranza; Patricia McNew)

DIGEST: CSHB 3813 would prohibit a municipality with a population of 750,000 or more that was located in a county with a population of 1.5 million or less (Austin) from adopting or enforcing an ordinance that regulated the production of amplified sound from a bar if the sound was produced from a loudspeaker or sound amplifier at a level that exceeded 85 decibels and at any time between the hours of 10 a.m. and 2 a.m.
The bill would take effect September 1, 2021.

SUPPORTERS SAY: CSHB 3813 would remove regulations that restrict bar owners in Austin and would address ineffective local control by imposing a uniform prohibition on certain noise ordinances. Austin has a patchwork of noise ordinances that affect different parts of the city unequally and are subject to change due to the city's rapid development. CSHB 3813 would give bar owners certainty in their operations and ensure that businesses owners across the city were treated equally. Bar owners have been hit particularly hard by the effects of the ongoing pandemic, and allowing regulation that negatively affected them and their businesses could jeopardize the city's recovery as well as its ability to draw tourists and host major events.

Local control of noise regulation has been ineffective in Austin and has consistently failed to account for the needs of business owners. Existing ordinances and their variance between neighborhoods have made it difficult for some bar owners to operate profitable patio spaces, which results in an inherently unequal playing field for these businesses. The lack of effective and fair local control, combined with the potential negative impact of current ordinance to the city and state, makes state action an appropriate solution in this case.

**CRITICS
SAY:**

CSHB 3813 would remove local control of noise regulation in Austin at the expense of city residents. Existing state law clearly leaves noise regulation to the discretion of municipalities, and current Austin city ordinances are the result of close work with all stakeholders and represent an effective compromise between the needs of businesses and residents. Local authorities are best suited to judge the needs of their area, which can change from one street to the next, and should retain control over local noise ordinances. Removing the regulation of noise from local control could create a genuine nuisance and negatively affect residents.