

SUBJECT: Limiting building height restrictions in certain municipalities

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 8 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Ortega, Reynolds, Schofield

1 nays — Sherman

WITNESSES: For — Jami Sims, Real Estate Council of Austin; Elle Allen (*Registered, but did not testify*: Joel Enge, Kristi Antonick, Kay Burton, Patty Casey, Genevieve Collins, Cindy Nick, Kelly Rusiecki, Tonya Waite, Dallin Waite, Alera Waite, Zack Baldwin, Americans for Prosperity; Geoffrey Tahuahua, Associated Builders and Contractors of Texas; Denise Davis, Greater Austin Chamber; Stephanie Reyes, Real Estate Council of San Antonio; Colette Vallot, Texas Affiliation of Affordable Housing Providers; J.D. Hale, Scott Norman, Texas Association of Builders; Julia Parenteau, Texas Realtors; Melissa Bailey, Guadalupe Giner, Mary Larbi, Jorge Martinez, Minerva Torres Shelton, Karla Sierra, The LIBRE Initiative; Alina Carnahan, The Real Estate Council; Will Schnier)

Against — Jeffery Bowen; Betsy Greenberg (*Registered, but did not testify*: Carissa Cox, American Planning Association; Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Chas Semple, Save Our City Austin; Wendy Herman, The City of Corpus Christi; Marc Duchon; Stephanie Thompson; Calvin Tillman)

BACKGROUND: Concerns have been raised that some cities are imposing overly restrictive limitations on building heights based on proximity to single-family homes. Some have suggested that state regulation is need to ensure statewide consistency in building height restrictions.

DIGEST: CSHB 2198 would prohibit a municipality with a population of more than 725,000 from adopting or enforcing a regulation, including a zoning regulation, that limited the height of a building based on the building's proximity to a lot that was more than 50 feet away.

The bill would not affect a restriction or regulation imposed by:

- statute for preserving views of the state capitol;
- federal law;
- a municipality that contained a UNESCO World Heritage Site; or
- a municipality related to the height of a building near an airport.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.