

## **BILL ANALYSIS**

Senate Research Center

H.B. 3135  
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Local Government  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas is facing a housing crunch as the state continues to lead the nation in population growth and economic development. Outdated land development regulations are providing unnecessary barriers to home construction. H.B. 3135 requires the governing bodies of certain political subdivisions to review the costs, benefits, and risks of their existing land development regulations.

H.B. 3135 amends current law relating to the review, adoption, and modification of land development regulations by certain municipalities, counties, and special districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle C, Title 7, Local Government Code, by adding Chapter 247, as follows:

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

Sec. 247.001. DEFINITIONS. Defines "land development regulation" and "political subdivision."

Sec. 247.002. APPLICABILITY. Provides that this chapter applies only to a political subdivision with a population of 200,000 or more that imposes a tax.

Sec. 247.003. REVIEW OF EXISTING LAND DEVELOPMENT REGULATIONS. (a) Requires the governing body of a political subdivision to review the costs, benefits, and risks of the existing land development regulations of the political subdivision.

(b) Requires the governing body to review each existing land development regulation at least once every 10 years.

(c) Requires that a review of a land development regulation under this section consider:

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

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

(3) whether the regulation impedes the use of technologies and techniques that conserve energy or water;

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

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

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

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

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

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

**Sec. 247.004. IMPACT STATEMENT FOR AND AUTHORITY TO ADOPT OR MODIFY PROPOSED LAND DEVELOPMENT REGULATIONS.** (a) Requires the governing body, before the governing body of a political subdivision is authorized to adopt or modify a land development regulation, to analyze the costs, benefits, and risks of the proposed regulation and issue an impact statement.

(b) Requires that an impact statement required by Subsection (a) 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) Authorizes a political subdivision to 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) Requires a political subdivision to make an impact statement required by Subsection (a) available for review by the public.

**SECTION 2.** Requires the governing body of each municipality, county, and special purpose district, not later than September 1, 2028, to conduct an initial review of each land development regulation under Section 247.003, Local Government Code, as added by this Act.

**SECTION 3.** Effective date: September 1, 2023.