

BILL ANALYSIS

Senate Research Center

H.B. 1449
By: Simmons et al. (Nelson)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that fees levied on new construction by political subdivisions significantly increase the cost of new housing and other construction across Texas. These parties also contend that it is in the state's best interest to limit regulatory burdens on the housing industry in order to increase housing affordability for all Texans. H.B. 1449 addresses this issue by prohibiting a political subdivision from adopting or enforcing a regulation that imposes certain fees, charges, or demands on new construction.

H.B. 1449 amends current law relating to prohibiting local governments from imposing certain fees on new construction.

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. Sets forth legislative findings.

SECTION 2. Amends Chapter 250, Local Government Code, by adding Section 250.008, as follows:

Sec. 250.008. LINKAGE FEES PROHIBITED. (a) Prohibits a political subdivision from adopting or enforcing a charter provision, ordinance, order, or other regulation that imposes, directly or indirectly, a fee on new construction for the purposes of offsetting the cost or rent of any unit of residential housing.

(b) Provides that this section does not apply to certain affordable housing and property tax abatement programs, a residential density bonus program in which a zoning waiver is issued for a voluntary fee payment, or the voluntary provision of affordable housing or other defined public benefit.

(c) Provides that a charter provision, ordinance, order, or other regulation adopted by a political subdivision that conflicts with this section is null and void.

SECTION 3. Provides that the change in law made by this Act does not apply to an agreement relating to providing subsidized housing entered into before the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2017.