

# *Land Use Legislative Update*

## **TX APA Legislative Update**

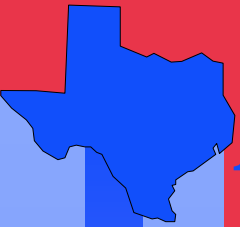
*Craig Farmer, Freese and Nichols  
Dorothy Palumbo, Bojorquez Law Firm, PLLC  
Shanna Igo, Deputy Executive Director,  
Texas Municipal League.*



# *Affordable Housing*

## **SB 402 (West/Oliveria) – Community Land Trusts**

City or County may create a community land trust including a housing finance corporation or a land trust operated by a community housing development organization



## *Annexation Bills that did not pass*

HB 107 (F. Brown) **Voter Approval**

Bracketed to Brazos Co. and College Station

HB 490 (Dutton) **Single Certification**

For certain investor owned water or sewer utilities

HB 524 (Brown) **Disannexation**

Would overturn the Bryan Case



# *Code Enforcement*

## HB 1862 ( Anchia) – **Substandard Housing**

If C.O. revoked by city or county, landlord liable to tenant; specifies damages

## SB 173 (West) - **Substandard Buildings**

***City of Dallas v. Stewart, No. 09-0257 (Tex. July 1, 2011), the Supreme Court of Texas - 5-4 decision that an appointed city board's determination that a building is a public nuisance should not be given deference by a court, but should be reviewed de novo***



# *Economic Development*

HB 447 (Menendez) - **Defense Base  
Economic Development Authority**

HB 479 (Orr) - **Eco/Devo Corp**

County less than 30,000, Type A or B  
Eco/Devo Corp can hold a meeting  
anywhere in the County

HB 2785 (J. Davis/Shapiro) – **Select  
Committee on Eco/Devo**



# *Eminent Domain*

## HB 364 (Turner) – **Urban Renewal**

Eminent Domain for urban blight and certain condominiums

## SB 18 (Estes) – **Eminent Domain Authority**

Public use, record vote, submission to Comptroller; disclosures; confidential provisions; bona fide offers; special commissioners; relocation; repurchase; FMV for right-of-way

## SB 1187 (Watson) – **Eminent Domain**

Notice Lis Pendens effective at time of indexing by County Clerk



# *Extraterritorial Jurisdiction*

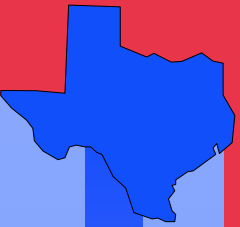
## HB 91 (Cook) **ETJ**

City with 25,000 to 49,000 inhabitants expands to 3 mile ETJ; Apportions ETJ between two cities with overlapping ETJ – requires owner's consent if split between two cities; Prohibits expansion of ETJ into another city

## HB 1643 (Zerwas) – **Development Agreements**

Removes 15 year term limits; total not to exceed 25 years

**HB 1388/SB 732 (Died)** – would prohibit regulation of trees/vegetation in ETJ



# *Housing/Community Affairs*

## **HB 2608 (Harper-Brown) – Department of Housing and Community Affairs**

Sunset Bill – Continues TDHCA for 12 years; requires emergency management plans; appropriates resources to assist in the implementation; creates a point system for low income tax credit proposed development sites

## **1SB 24 (Gallegos) – Halfway Houses**

City or County may adopt regulations



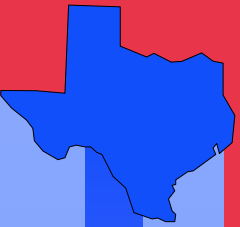
# *Engineering/ GIS*

## HB 2284 (Hardcastle) – **Engineering Practices Act**

Engineering includes design, conceptual design, or conceptual design coordination; Architect's Practice Act - Engineer may perform planning, designing, or supervising for building features or related work

## HB 1147 (W.Smith) – **Geospatial Data**

Required notices for GIS created or hosted by a city on an Internet Web site



# *Public Improvement Districts / Tax Increment Financing*

HB 1400 (Elkins)/SB 412 (West) – **PIDs**

Allows for costs of PIDs to be repaid or reimbursed

HB 2853 (J. Davis) – **TIFs**

Repeals certain notice requirements; allows for residential property in TIFs; appointments; extensions; 2-year validation if no lawsuit to invalidate



# *Sexually Oriented Businesses/ Alcohol*

## HB 1030 (Carona) - **SOBs**

Requires a sexually oriented business to post an outdoor sign if the business applies for a license or permit for a location that is not currently licensed or permitted

## HB 1643 (Thompson) – **Alcoholic Beverage Permit**

Provides for a hearing before Alcoholic Beverage Commission for denial of alcoholic beverage permit certified by cit or county.



# *Transportation*

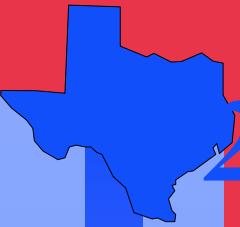
**SB 1420 (Hinojosa/Harper-Brown) TxDOT Sunset Bill**

**HB 3771 (Martinez) – Transportation Planning**

Provides authority for TxDOT to adopt guidelines for pedestrians, bicyclists, and mass transit in transportation planning and minimum guidelines for local authorities

**HB 630 (Pickett) - TxDOT and Regional Toll Authorities authority for funding agreements to expedite environmental review**

**HB 563 (Pickett) Transportation Reinvestment Zones**



# *2011 Oil, Gas & Pipelines Bills*

Last Session -Takings Bill and Model Rules to Regulate Oil and Gas Drilling

Best Practices for Pipeline Regulation

HB 2289 (Crownover) **Gas Pipelines/Rights-of-Way**

Right to lay gas pipeline under certain conditions



# *2011 Dead Bills*

**HB 2291 (Callegari) – Regulation of Occupations**

**SB 1201 (Patrick) – Regulatory Takings**

Would make most city regulations subject to  
Private Real Property Rights Act

**HB 2732 (Oliveria) – Fair Notice under Chapter 245**

**HB 3534 (Kleinschmidt) – Damages under Chapter  
245**

**HB 3535 (Kleinschmidt) – Civil penalties under  
Chapter 245 and enforcement by Attorney  
General**



# Water

## **2012 DRAFT STATE WATER PLAN RELEASED**

The Texas Water Development Board has issued its 2012 draft State Water Plan, which can be viewed here:

<http://www.twdb.state.tx.us/wrpi/swp/draft.asp>

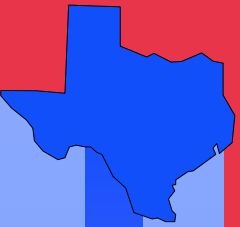
**Proposition 2**, would authorize the Texas Water Development Board to issue an additional \$6 billion in general obligation water development bonds on a revolving basis; the increased amount would be subject to the framework governing Texas Water Development Fund II found in Section 49-d-9, Article III, of the Texas Constitution. The amendment would also exempt a project funded by the new proceeds from certain constitutional limits on state participation



# *Subdivision Platting*

HB 232 (White) – Plats/Restrictions

Amendment of restrictions affecting  
real property in certain subdivisions



## *Other Bills*

### HB 4 (Pitts) – **Park Funding**

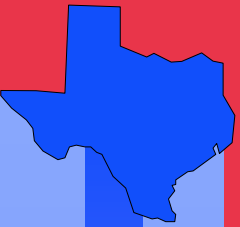
Park Grant Funds cut from proceeds of Sporting Goods Sales Tax by \$300,000



# *Elimination of Reporting Requirements*

## **H.B. 1781 State Agency Reports**

Eliminates the requirement that cities: (1) that impose an impact fee submit a written certification verifying compliance with the impact fee law to the attorney general each year not later than the last day of the city's fiscal year under Texas Local Government Code Section 395.082; and (2) that utilize tax increment financing submit reports relating to tax increment financing to the attorney general under Texas Tax Code Section 311.016(b)(1) (the report must still be prepared for other entities).



What is Dead may be alive in 2013

Questions?