



American Planning Association

Texas Chapter

Creating Great Communities for All

The American Planning Association's Texas Chapter and its 2,400 members – community leaders, private developers, design professionals, and local officials – work with the private and public sectors in Texas communities. We use our expertise and innovation to shape livable and sustainable Texas communities that reflect the character and values of each local city, town or rural area.

2021 Policy Priorities

The Texas Chapter of the American Planning Association (APA Texas) has identified the following five priorities for its efforts during the 87th Session of the Texas Legislature.

These priorities are based on the experience and insights of the organization's membership. Our 2,400 members – community leaders, private developers, design professionals and local officials – work with the private and public sectors in communities throughout Texas. We use our expertise and innovation to shape livable, sustainable and resilient Texas communities that reflect the character and values of each local city, town or rural area. Input from online surveys of our membership during the summer of 2020 helped develop the priorities described here.

1. Flexibility to Support Growth in Diverse Communities

Our members work throughout Texas in very diverse communities, from urban cities with over a million residents to rural towns with fewer than 5,000 residents.

These Texas communities all want to remain economically successful and offer their residents a high quality of life. But they are experiencing very different pressures. Almost 46% of survey respondents say that, over the past five to ten years, they have seen growth that is making notable changes to the character their communities had before. Others describe rapid growth, economic stagnation, boom-and-bust cycles, and even loss of population.

Since the Texans, neighborhoods, and businesses in each community face different challenges, they must have the right tools and flexibility to be successful. A majority of our members tell us they frequently use subdivision (platting), zoning (rezoning), and a citywide or regional comprehensive or strategic plan as they work to keep their communities thriving.

During the 87th Session, APA Texas supports efforts to ensure that the full range of planning tools are available to Texas communities' residents, property owners, and their elected and appointed leaders. Since some aspects of these tools are critical to communities facing specific challenges, APA Texas also supports additional efforts to ensure that particular community planning techniques are available where they are most appropriate to achieve a community's desired growth and character. That flexibility is essential, so these communities can continue to grow and thrive.

2. Building Code Mandates

In the 86th Session, HB 2439 created a state-mandated building code in response to a perceived "monopoly" by brick companies for exterior building materials. This bill has had unintended consequences that have negatively affected Texans' health and safety, and the assurances developers look for when they bring economic development to Texas.

Due to this bill, Texans and their locally elected officials can no longer determine the building materials best suited for their communities. Developers can't rely on cities to enforce their design standards. In the past, courts have required municipalities to issue permits for materials that meet local ordinances, even though they violate deed restrictions. The new statutes will go even further to force cities to permit materials like aluminum or even corrugated sheet metal siding, despite the neighborhood's covenants and restrictions.

The bill does more than affect the use of exterior materials like brick, wood, or metal. It impacts other non-exterior building standards, including HVAC systems, and allows aluminum wiring and a plastic gas pipe that most cities and fire marshals prohibit for safety reasons.

APA Texas supports legislation that allows cities to (a) require reasonable exterior materials (not just brick) that maintain health, safety, and property value; (b) follow current national and international standards for all building materials used in their community that affect health and safety; (c) make local amendments about building code materials to maintain the character, property value and economic vitality of identified districts within their community.

3. Subdivision Platting

Nationwide, platting ensures lots are buildable, with adequate water, wastewater, paved streets, and flood protection. Over 58% of APA Texas members said this is a tool they frequently use to manage their growth. Some aspects of HB3167, passed in the 86th Session, have been beneficial to both cities and the development community. However, other provisions have severely impacted development in Texas.

HB 3167 set mandatory "30-day approval" deadlines for the plat review process. Plat reviews ensure the safety of future residents and businesses. While it had good intentions for streamlining development, it has made it harder for cities to work with developers, counties, special districts, and TXDOT. Necessary studies to ensure safe drinking water, adequate roads, and protection from flooding, which should be completed and approved during the development process, now must be approved before a plat is submitted. Flexibility to refine plats as they go through the process – an approach that benefits developers as much as cities – has been severely curtailed. Even if the applicant needs additional time and requests it, the statute limits the applicant to one 30-day extension.

A review of actual experience since the passage of this legislation shows that it has reduced the percentages of developments approved within 60 days. Representatives of cities across the state estimate that 83% of plats and related studies were approved within this time frame before HB 3167. After HB 3167, only an estimated 74% are approved within this time frame.

In Texas, counties have limited authority to regulate plats. In our state's fast-growing areas, the counties work with cities to protect lot buyers by enforcing platting laws in the Extra-Territorial Jurisdiction (ETJ). This cooperation avoids serious risks to property and lives. A significant cause of Houston's floods was the design of development upstream in counties with inadequate review tools.

APA Texas supports legislation to modify the timing requirements put in place by HB 3167, so they give developers more certainty yet have time frames that are reasonable to ensure future residents' safety and the economic value of developed properties.

4. Broadband Access

A major lesson of 2020 is that access to broadband technology is vital to all Texans and to neighborhoods and businesses in all parts of the state. It's apparent now that broadband plays an essential role in providing remote

learning for students, access to online sales and delivery for businesses, communication with doctors through telemedicine, and real-time information during emergencies.

Yet significant areas of our state, and even neighborhoods within our largest cities, do not have this access; and some people in our state may not have the digital literacy skills to use the technology even when available. The future success of the state and the well-being of Texans depend on broadband access. Funding such as the FCC's Rural Digital Opportunity Fund will help provide needed resources; implementing these technologies and education or training for users will be critical to the fund's success.

APA Texas supports legislation that brings reliable, affordable broadband access to Texans wherever they live. We support initiatives that coordinate broadband access statewide, such as a dedicated state broadband office, dedicated funding, and mapping that depicts and tracks broadband availability and capability across the state. We support, and can recommend, initiatives that streamline the steps to locate and install broadband infrastructure and simplify tracking broadband performance and gaps.

5. Resilience

In recent years, the people and businesses in our state have struggled with many challenges that have upended past expectations for business growth, employment, health, safety, and quality of life. Hurricanes, floods, fires, and droughts have taken Texans' lives, threatened more Texans' safety, and damaged their property. The COVID-19 pandemic and related economic downturn have led to Texans' lives lost, businesses closed, schooling disrupted, jobs vanished, and access to basic needs, including food and shelter, diminished.

While there may not be as many concurrent threats to health and livelihood in future years, the experiences of 2020 emphasize the importance of resilience for Texans, their businesses, neighborhoods, and communities.

The Texas Legislature can support a resilient future for the state in many different ways. The Legislature can promote a **resilient recovery from COVID-19** by providing funding and support for businesses, employees, and self-employed individuals to enhance economic resilience and assist with skills, education, and resources to respond to changes in the economy. It can protect, expand and improve the parks, recreation facilities, trails, open spaces, and forests that **support Texans' health and well-being**, whether these are managed by the Texas Parks and Wildlife Department or by local counties, cities, and special districts. It can **reduce the impacts of flooding** by funding the implementation of its own Texas Flood Plan, associated regional Flood Plans, and the Flood Infrastructure Plan. It can support local initiatives to **preserve or regenerate natural areas** that protect from flooding, storm surge, erosion, and other natural hazards, improve air quality, and reduce the urban heat island effect.

APA Texas supports these and other efforts during the 87th Session to make Texas a more resilient state so the people and businesses located here can adapt to changing conditions and thrive well into the future. We stand ready to contribute our members' expertise to solutions that create a better and stronger future for Texas and Texans.