

87th Legislative Session Review

APA
TX



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INTRODUCTION

Prior to the 87th Legislative Session, APATX contracted with a public affairs firm, Salient Strategies, to help develop legislative priorities and to monitor and track legislation filed in the Legislature.

APATX organized several policy subcommittees to oversee tracked legislation and to provide recommendations on APATX's policy positions.

Here are the highlights of APATX's advocacy efforts for the 87th Legislative Session.



QUICK SUMMARY

6,927 - Total number of bills filed.

170 - Total number of bills tracked by APATX.

16 - Number of bills APATX submitted testimony or public comments on.

8 - Number of bills supported by APATX that passed.

0 - Number of bills opposed by APATX that passed.

6 - Number of APATX Advocacy Committee Subcommittees:

Annexation & ETJs

Economic Development

Environment & Healthy Communities

Site Planning, Building Design & Materials

Transportation

Zoning & Subdivision Platting



POLICY PRIORITIES

Before session began, APATX created five policy priorities:

1. Flexibility to Support Growth in Diverse Communities
2. Building Code Mandates
3. Subdivision Platting
4. Broadband Access
5. Community Resiliency

As a change from previous sessions, the legislative subcommittee worked to find legislation that supported their policy priorities rather than only fighting against bad legislation.



Flexibility to Support Growth in Diverse Communities

The 2019 legislative session saw an all-out assault on the ability of cities to govern themselves. Bills such as HB 3167(86R), the "shot-clock" bill, placed undue burdens on municipalities and created several negative unintended consequences. The 2021 session saw several attempts to expand the shot-clock bill, and APATX worked with other stakeholders to ensure more bad legislation did not hamper the economic growth of Texas' municipalities.

Other bills that APATX tracked that ultimately failed to pass would have prohibited cities from adequately inspecting multi-unit housing complexes, prohibited cities from regulating greenhouse emissions, and placed additional burdens on the platting approval process.



Flexibility to Support Growth in Diverse Communities

Highlighted bills -

SB 1261 (Opposed) - To the extent not preempted by federal law, grants the state exclusive jurisdiction over the regulation of greenhouse gasses. Prohibits municipalities and other political subdivisions from enacting or enforcing an ordinance that directly or indirectly regulates greenhouse gas emissions. **Failed to pass.**

HB 4121 (Opposed) - Requires political subdivisions to approve, approve with conditions, or disapprove a land development agreement within 30 days after the date the land development application is filed. Failure to respond requires the political subdivision to return the application as an approved land development agreement. **Failed to pass.**

HB 4447 (Opposed) - Prohibits a municipality or county from requiring a person to submit or obtain approval of a required planning document before the person files a copy of the plan or plat with the municipality. Adds 30 day time limit to any approvals required for those studies also. Provides for a "bifurcated" approval process. **Failed to pass.**

SB 374 (Supported) - Allows municipalities that are annexing an area to also annex the right of way of a road that is contiguous and runs parallel to the city's boundaries. The municipality may annex only if a written notice is given to the owner of the right-of-way no later than 61 days before the date of the annexation. **Passed!**



Building Code Mandates

Similar to the shot-clock bill passed in 2019, the Legislature completely removed the ability of municipalities to regulate local building codes. As usual, this created a series of unintended consequences which negatively affected the health and safety of Texas communities.

This session did not see many attempts to expand the state mandated building code, and APATX supported legislation to grant more authority for municipalities to set their own standards for building materials.



Building Code Mandates

Bill Highlights -

HB 1993 (Support) - Requires the seller of a property to disclose whether the property being sold contains corrugated stainless steel tubing. **Failed to pass.**

HB 233 (Neutral) - Exempts cities under 25,000 from the building aesthetics requirements. **Failed to pass.**



Subdivision Platting

As the state's economy continues its post-COVID resurgence, APATX worked to ensure cities had the tools needed to manage and encourage smart and efficient platting requirements.

A survey of APATX members showed that plat approvals actually took more time to complete following the passage of the shot-clock bill in 2019. Although legislation to extend or roll back the requirements of the shot-clock bill was not filed, APATX did provide public testimony on legislation that would have placed even more burden on cities to approve plats in a "timely" manner.

As a result of APATX's efforts, many bills that would have created even more unintended consequences failed to pass this session.



Subdivision Platting

Bill Highlights -

HB 3519 (Opposed) - Allows a resident of an area with a population of less than 200 that is in a municipality's ETJ to file a petition with the municipality to be released from the ETJ, if the area has been in the ETJ for at least one year. A resident of an area with a population of more than 200, may request the municipality to hold an election to vote on releasing an area from the ETJ. **Failed to pass.**

HB 2776 (Opposed) - Allows subdivisions located in the ETJ of a municipality to petition a municipality to release the subdivision from the municipality's ETJ if it has been legally determined the municipality failed to provide or agreed to provide adequate services to the area. **Failed to pass.**

SB 1667 (Opposed) - Prohibits a municipality from requiring a person to submit or obtain approval of a required planning document before the person files a copy of the plan or plat with the municipality. **Failed to pass.**

SB 1947 (Opposed) - A relatively harmless bill on its own, but due to an amendment that was added would have furthered the requirements of the shot-clock bill. **Failed to pass.**



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.

Before the Legislative session began, Governor Abbott made the expansion of broadband one of his policy priorities. The legislature passed landmark legislation that will create a dedicated broadband development office and, for the first time, a statewide broadband access map which is vital to drawing down federal dollars for broadband development.



Broadband Access

Bill Highlights -

HB 5 (Supported) - Creates a dedicated broadband development office at the Comptroller's office. Requires the broadband office to engage local communities regarding broadband expansion. Allows the broadband office to liaison with the FCC to best position the state for federal funding. Requires the broadband office to develop a statewide broadband access map. Creates a dedicated funding mechanism for broadband infrastructure. Requires internet providers to submit access data to be eligible for funding. Defines broadband internet as a minimum of 25mbps/3mbps. Allows the definition to be indexed to the FCC's definition in future years.

Passed!



Community Resiliency

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.

The historic winter storm that ravaged the state in February highlighted just how outdated and unprepared the state's electrical, water, and gas infrastructure was throughout the state. Infrastructure resiliency quickly became a high-priority issue for the legislature, and APATX was able to testify on several bills which could improve the dire conditions of the state's infrastructure.



Community Resiliency

Bill Highlights -

SB 3 (Supported) - A comprehensive infrastructure bill that incorporated several House bills geared towards improving the reliability of the state's electrical and gas infrastructure. Requires the mapping of the state's electricity supply chain and requires weather emergency preparedness for natural gas, electric and water utilities. Creates the Texas Energy Disaster Reliability Council to administer a statewide power outage alert system. Sets requirements load management and shedding, transmission services, and critical natural gas facilities during energy emergencies. **Passed!**

HB 2812 (Supported) - Creates a new fund for disaster recovery at the Comptroller's office to provide short-term loans to political subdivisions located affected by a disaster. **Failed to pass.**

HB 531 (Supported) - Requires landlords to notify tenants if their property is located in a 100-year floodplain. Notification must also direct tenants to FEMA's flood maps online. Landlords must also notify tenants if the property has flooded at least once in a 5 year period preceeding the effective date of the lease. **Passed!**



Advocacy Committee Members

Lee Battle - TML Representative

Matt Buchin - Subcommittee Chair, Environment & Healthy Communities

Craig Farmer - Advocacy Committee Co-Chair

Clayton Husband - Subcommittee Chair, Building Design & Materials

Carly Kehoe - Subcommittee Chair, Economic Development

Kyle Kingma - APATX Communications

Chris Looney - Subcommittee Chair, Annexation & ETJ

Mike McAnelly - APATX Staff

Robert McHaney - Subcommittee Chair, Transportation

Kim Mickelson - Subcommittee Chair, Zoning & Subdivision Platting

Wayne Neumann - Subcommittee Chair, Zoning & Subdivision Platting

Heather Nick - APATX President-Elect

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