

By: Villarreal

H.B. No. 403

A BILL TO BE ENTITLED

AN ACT

relating to the capital improvements that a local government may finance with an impact fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 395.001(1), Local Government Code, is amended to read as follows:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; ~~and~~

(B) roadway facilities; and

(C) fire stations.

SECTION 2. Section 395.011, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) A political subdivision shall exempt a nonprofit organization that meets the eligibility requirements for certification by the Texas Department of Housing and Community Affairs as a nonprofit owner-builder housing program and that provides low-income housing from the imposition of an impact fee for a capital improvement as defined by Section 395.001(1)(C).

SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.