

1-1 By: Simmons, et al. (Senate Sponsor - Nelson) H.B. No. 1449  
 1-2 (In the Senate - Received from the House May 4, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 15, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 1;  
 1-6 May 15, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16		X		
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1449 By: Campbell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to prohibiting local governments from imposing certain  
 1-22 fees on new construction.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The legislature finds that:

1-25 (1) fees and exactions imposed by political  
 1-26 subdivisions to fund subsidized housing materially increase the  
 1-27 cost of housing construction and other forms of construction in the  
 1-28 state; and

1-29 (2) it is in the state's interest to incentivize  
 1-30 housing affordability for Texas residents by circumscribing  
 1-31 regulatory burdens imposed on the housing industry by political  
 1-32 subdivisions.

1-33 SECTION 2. Chapter 250, Local Government Code, is amended  
 1-34 by adding Section 250.008 to read as follows:

1-35 Sec. 250.008. LINKAGE FEES PROHIBITED. (a) A political  
 1-36 subdivision may not adopt or enforce a charter provision,  
 1-37 ordinance, order, or other regulation that imposes, directly or  
 1-38 indirectly, a fee on new construction for the purposes of  
 1-39 offsetting the cost or rent of any unit of residential housing.

1-40 (b) For purposes of this section:

1-41 (1) a fee is imposed indirectly on new construction if  
 1-42 a charter provision, ordinance, order, or other regulation allows  
 1-43 acceptance by the political subdivision of a fee on new  
 1-44 construction; and

1-45 (2) new construction includes zoning, subdivisions,  
 1-46 site plans, and building permits associated with new construction.

1-47 (c) This section does not apply to:

1-48 (1) an affordable housing and property tax abatement  
 1-49 program:

1-50 (A) in existence on January 1, 2017;

1-51 (B) adopted under Chapter 378 by a municipality  
 1-52 with a population of more than 700,000; and

1-53 (C) for which eligibility is maintained as  
 1-54 required under Chapter 312, Tax Code; or

1-55 (2) an ordinance, order, or other similar measure in  
 1-56 effect on January 1, 2017, that allows voluntary payment of a fee to  
 1-57 a political subdivision in connection with the issuance of a zoning  
 1-58 waiver related to new construction that allows a multifamily  
 1-59 residential or commercial structure to exceed height or square  
 1-60 footage limitations.

2-1 (d) A charter provision, ordinance, order, or other  
2-2 regulation adopted by a political subdivision that conflicts with  
2-3 this section is null and void.

2-4 SECTION 3. The change in law made by this Act does not apply  
2-5 to an agreement relating to providing subsidized housing entered  
2-6 into before the effective date of this Act.

2-7 SECTION 4. This Act takes effect immediately if it receives  
2-8 a vote of two-thirds of all the members elected to each house, as  
2-9 provided by Section 39, Article III, Texas Constitution. If this  
2-10 Act does not receive the vote necessary for immediate effect, this  
2-11 Act takes effect September 1, 2017.

2-12 \* \* \* \* \*