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OUR TOPICS TODAY

1. Who is APA Texas and why are we presenting to you today?
2. What are we doing to advocate on planning issues?
3. What bills did we track, and what happened with them?
4. What are our next steps?
WE'RE THE TEXAS CHAPTER
OF THE AMERICAN PLANNING ASSOCIATION

Our members - community leaders, private developers, design professionals, and local officials - have the expertise and innovation to shape livable and sustainable Texas communities.

People and businesses moving to Texas overwhelmingly pick economically vital and desirable places. Those places are communities where good planning ensures that Texas continues to be a place to invest time and money.

We plan the transportation corridors keeping the Texas economy moving. We mitigate natural disasters with smart development codes and disaster recovery planning. We work with property owners to keep business centers and neighborhoods safe and successful.

PLANNERS MAKE TEXAS SUCCESSFUL

We care about the people who live in our communities and we want our local economies to be strong.

Texas' competitive success depends on having places where people want to live and companies want to locate. Texas communities - and their residents, property owners, and planners - need the right tools in our toolbox in order to protect public safety and minimize red tape.

But often the details make the difference. We want to be the resource you and other Legislators turn to when you need to know how legislation will help or hinder successful economic development and quality of life for Texans.

ABOUT 2,400 MEMBERS

info@apatexas.org  texas.planning.org
More people and jobs are heading to Texas. From 2020 to 2050, Texas is expected to add more than 18 million new residents. That means many more homes, jobs, and businesses. And virtually all of these new residents choose cities and suburbs in Texas’ metropolitan areas.

Along with growth comes change. The share of Texans who are seniors will also more than double by 2050. This means our communities must offer new and different choices to meet resident needs.

Planners understand the options that are available to achieve each community’s unique objectives. They work with local stakeholders - businesses, residents, schools, healthcare providers, and others - to create effective action plans.

Whether they prefer walkable, transit-oriented homes or a relaxed country lifestyle, planners have the tools to create the places your constituents want.

Last Session, several bills passed which had unintended negative consequences for Texas residents, property owners, and developers. APA Texas is committed to working with the Legislature to address these impacts.

One example is the building code restrictions in HB 2439, which responded to a perceived “monopoly” for brick companies on exterior building materials. Due to this bill, developers can’t count on quality development next door. Cities must issue permits that violate deed restrictions, or that use materials like aluminum wiring and plastic gas lines most fire marshals and cities prohibited as unsafe.

These regulations should be amended to allow cities to require reasonable exterior materials that maintain health, safety, and property value.

The experiences we’ve all had this year have revealed opportunities to improve the lives of Texas residents and the vitality of Texas businesses and communities. Recent disasters such as hurricanes, tornadoes, wildfires, and even industrial explosions in rural areas demonstrate more needs to be done.

Planners want to work with the Legislature to respond to adversity. We can assist you with information, analysis, best practices, and practical details that will make your actions more effective.

Our Texas planners include experts who can help you with issues ranging from statewide broadband coverage, to hurricane and flooding response, to making all neighborhoods safer and healthier.
APATX AND ADVOCACY

• APATX is an affiliate organization of Texas Municipal League.

• A member is elected every two years to fill position of TML Liaison, attends TML legislative and related activities.

• APATX began focusing in on advocacy and legislative efforts several years ago, and this year hired legislative firm to assist.

• APATX developed a legislative list of priorities.

• We’ve learned a lot.
LEGISLATIVE INFORMATION

About Legislative Services
Composed of three full-time lobbyists, the Legislative Services Department of the Texas Municipal League is responsible for coordinating the League’s legislative policy program at both the state and national levels.

City-Related Bills Filed (PDF)
View city-related bills that have been filed.

Legislative Program (PDF)
Learn about the Legislative Program.

Legislative Update
Stay up-to-date on current organizational news and announcements.

Texas Legislature Online
Visit the Texas Legislature Online website.

Policy Committees
Take a look at our Policy Committees.
Welcome to APA Texas  >  Policy and Advocacy  >

Chapter Legislative Program

APA Texas's 2021 Legislative Program

VIEW THE 2020-2021 POLICY PRIORITIES

American Planning Association
Texas Chapter

Creating Great Communities for All
<table>
<thead>
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<th>Bill Number</th>
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<tr>
<td>HB 1155</td>
<td>Vo</td>
<td>Relating to the authority of certain municipal utility districts to select the municipality that will have authority over the district.</td>
<td><a href="https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01155.pdf#navpanes=0">https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01155.pdf#navpanes=0</a></td>
<td>Annexation and Extra-Territorial Jurisdiction</td>
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<td>HB 1653</td>
<td>Craddick</td>
<td>Relating to disannexation of certain areas that do not receive full municipal services.</td>
<td><a href="https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01653.pdf#navpanes=0">https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01653.pdf#navpanes=0</a></td>
<td>Annexation and Extra-Territorial Jurisdiction</td>
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<td>HB 1885</td>
<td>Harris</td>
<td>Relating to restrictions on municipal regulation in certain areas.</td>
<td><a href="https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01885.pdf#navpanes=0">https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01885.pdf#navpanes=0</a></td>
<td>Annexation and Extra-Territorial Jurisdiction</td>
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<td>HB 1897</td>
<td>Sanford</td>
<td>Relating to disclosure requirements for agreements consenting to municipal annexation.</td>
<td><a href="https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01897.pdf#navpanes=0">https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01897.pdf#navpanes=0</a></td>
<td>Annexation and Extra-Territorial Jurisdiction</td>
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<tr>
<td>HB 2104</td>
<td>Campos</td>
<td>Relating to the county provision of solid waste</td>
<td>Requires the commissioner's court of a county with a population</td>
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Get in Room Where it Happens
• APATX Advocacy / Legislative Committee
• Salient Strategies – legislative consultant
• APATX Legislative Priorities
• APATX Legislative Strategies and Tools
APA TEXAS

• APATX Advocacy / Legislative Committee

• Environment and Healthy Communities, Committee Chair Matt Bucchin, AICP
• Economic Development and Redevelopment, Committee Chair Carly Kehoe
• Transportation & Funding, Committee Chair Robert McHaney, AICP, CTP
• Zoning and Subdivision Platting, Committee Chair Wayne Neumann AICP
• Site Planning, Building Design & Materials, Committee Chair Clayton Husband, AICP
• Annexation and Extra-Territorial Jurisdiction, Committee Chair Chris Looney, AICP
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.

1. Flexibility to Support Growth in Diverse Communities
2. Building Code Mandates
3. Subdivision Platting
4. Broadband Access
5. Resilience
PRE-SESSION, 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

The legislative subcommittees looked for legislation supporting their policy priorities rather than only fighting against bad legislation.
QUICK SUMMARY OF BILLS IN 87TH SESSION (R)

• 6,927 - Total number of bills filed.

• 170 - Total number of bills tracked by APATX.
  • Support, oppose, no position

• 16 - Bills APATX submitted testimony or public comments on.

• 8 - Bills supported by APATX that passed.

• 0 - Bills opposed by APATX that passed.
• The 2019 legislative session saw an all-out assault on ability of cities to govern themselves. Bills such as HB 3167(86R), "shot-clock" bill, placed undue burdens on municipalities and created several negative unintended consequences. 2021 session saw several attempts to expand shot-clock bill, and APATX worked with other stakeholders to ensure more bad legislation did not hamper 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 platting approval process.
LOCAL PLANNING BILL HIGHLIGHTS

• **SB 1261 (Opposed)** - To extent not preempted by federal law, grants state exclusive jurisdiction over 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 date land development application is filed. Failure to respond requires political subdivision to return 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 person files a copy of plan or plat with 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 right of way of a road that is contiguous and runs parallel to city's boundaries. municipality may annex only if a written notice is given to owner of right-of-way no later than 61 days before date of annexation. Passed!
BUILDING CODES/MANDATES

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

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

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

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

• HB 738 Provides that IRC/IBC are residential and commercial building codes. Cities may adopt local amendments following public hearings, adopts changes by ordinance. Prohibits cities from requiring sprinkler or other systems in new or existing one or two family dwellings. **Passed.**
BUILDING CODE BILL HIGHLIGHTS

• SB 877 provides that in disaster area building inspections may be performed by various persons, including “a person other than owner or a person whose work is subject of inspection,” those who are not employed in city in which property is located. Passed.

• SB 1090 exempts cities who certify they want to be Dark Sky cities from outdoor lighting standards; plumbing standards for water conservation measures or required by TCEQ; “certain land use restrictions contained in a plat.” Passed.
SUBDIVISION PLATTING

• As state's economy continues its post-COVID resurgence, APATX worked to ensure cities had 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 passage of shot-clock bill in 2019. Although legislation to extend or roll back requirements of 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.
• 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 municipality to be released from ETJ, if area has been in ETJ for at least one year. A resident of an area with a population of more than 200 may request municipality to hold an election to vote on releasing an area from ETJ. Failed to pass.

• HB 2776 (Opposed) - Allows subdivisions located in ETJ of a municipality to petition a municipality to release subdivision from municipality's ETJ if it has been legally determined municipality failed to provide or agreed to provide adequate services to 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 person files a copy of plan or plat with municipality. \textit{Failed to pass.}

SB 1947 (Opposed) - A relatively harmless bill on its own, but due to an amendment that was added would have furthered requirements of shot-clock bill. \textit{Failed to pass.}
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 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 digital literacy skills to use technology even when available. Future success of state and well-being of Texans depend on broadband access. Funding such as FCC's Rural Digital Opportunity Fund will help provide needed resources; implementing these technologies and education or training for users will be critical to fund's success.

Before Legislative session began, Governor Abbott made expansion of broadband one of his policy priorities. Legislature passed landmark legislation that will create a dedicated broadband development office and, for 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 Comptroller's office. Requires broadband office to engage local communities regarding broadband expansion. Allows broadband office to liaison with FCC to best position state for federal funding. Requires 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 definition to be indexed to FCC’s definition in future years. Passed!
COMMUNITY RESILIENCY

• In recent years, 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. 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 state in February highlighted just how outdated and unprepared state's electrical, water, and gas infrastructure was throughout state. Infrastructure resiliency quickly became a high-priority issue for legislature, and APATX was able to testify on several bills which could improve dire conditions of state's infrastructure.
COMMUNITY RESILIENCY BILL HIGHLIGHTS

• SB 3 (Supported) - A comprehensive infrastructure bill that incorporated several House bills geared towards improving reliability of state's electrical and gas infrastructure. Requires mapping of state's electricity supply chain and requires weather emergency preparedness for natural gas, electric and water utilities. Creates 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!
COMMUNITY RESILIENCY BILL HIGHLIGHTS

• HB 2812 (Supported) - Creates a new fund for disaster recovery at 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 property has flooded at least once in a 5 year period preceding effective date of lease. **Passed!**
OTHER BILLS OF LEGISLATIVE INTEREST

• Property Taxes
  • HB 3971-appraised values must consider effect of zoning or other designation as historic on property value.
  • HB 1438-tax rate calculation in disaster area

• Sales Taxes
  • 5 bills on sales tax exemptions passed.

• Open Meetings
  • Many proposed. None which would have extended or changed requirements for video/audio meetings passed.
  • SB 244 TIRZs now clearly subject to TOMA.
OTHER BILLS

• ETJ/Annexation Bills
  • HB 1929 ETJ Development agreement, provides that governmental immunity is waived; city liable for costs to landowner. See also SB 1338.
  • SB 374-corrects issue with annexation of rights-of-way.

• Zoning
  • HB 1475-BOA/ZBA may consider additional factors related to value and cost of improvements/corrections.

• Economic Development
  • HB 2404-CH 380/381 internet database
  • SB 1585-historic preservation: only 1 commission can consider items; religious property owners must consent; city must provide statement of impact on property.
OTHER BILLS

• Historic Preservation
  • HB 3584 Amends CH 442, Government Code to give exclusive authority to THC on historic markers, monuments, etc. Imposes penalty, provides that local entities who remove same are subject to prosecution and fines.

• Eminent Domain
NEXT STEPS

• Special session work

• Initiatives between sessions

• Initiatives during the next session

• How can you help?
INFO@APATEXAS.ORG

• Email with questions or need for backup information on planning policy priorities and issues.
• Let us know your interest in areas of expertise or willingness to do research, write policy papers, etc.
• Let us know who you know and are able or willing to contact--Relationships with legislators, staffers – and results of meetings.
INITIATIVES BETWEEN SESSIONS
WHAT IS APATX DOING?

• APATX is attempting to get its members to meet with as many members of Legislature as possible.
• APATX’s biggest weakness: nobody knows us.
• APATX’s biggest strength: nobody knows us.
• Working to increase APATX’s visibility and clarify how members can help legislators.
TYPES OF LEGISLATIVE ADVOCACY

Sending emails, making phone calls
+ Visiting district offices
+ Visiting Austin - Capitol offices
+ Facebook/social media
+ Political involvement
+ District Meet & Greets

= Squeaky Wheel
WHERE TO START?

• Find legislation that affects you and your community:

  • https://airtable.com/shr1fOJoSPKx7ThM2
  • https://capitol.texas.gov/
  • https://www.tml.org/319/Legislative-Information
WHERE DO I START?

• Find your elected officials.
  • [https://wrm.capitol.texas.gov/home](https://wrm.capitol.texas.gov/home)

• Do they have a district office?

• Find their contact info
  • Senate - [https://senate.texas.gov/](https://senate.texas.gov/)
  • House - [https://house.texas.gov/](https://house.texas.gov/)

• Call/Email
NOW WHAT?

• Introduce Yourself
  • Who you are, what you do, what you want
  • Let them know you’re a constituent.
  • They need you more than you need them...for now.
• Meeting with staff is ok.
• Follow up.
NOW WHAT? BEFORE MEETING.

• Let APATX legislative committee know so we can track who is meeting with whom.
• Make sure you have APATX materials.
• Confirm your meeting with their office.
• Arrive early.
NOW WHAT? DURING MEETING.

• Stay positive.

• Keep your message simple and as non-technical as possible.

• Don’t leave without giving your contact info.
NOW WHAT? AFTER MEETING.

• Become an expert and a resource for them.
• Members DO listen to their constituents.
• Use APATX talking points.
  • The more they hear talking points, more effective.
• FOLLOW UP/THANK YOU/INFORM APATX
INITIATIVES DURING SESSION
TOOLS FOR ACTION AND RESPONSE

• Outreach network of planners & supporters of planning, liaison w/other organizations

• System of experts to quickly produce white papers

• Method to build on contacts with individual legislative members & staff, including legislators that sponsor anti-city bills

• Twitter, podcasts, etc. – ways to make data & anecdotes come alive

• More to come …
WHAT WE HAVE NOW

• Legislative and advocacy assistance.
• An APATX Legislative Advocacy Committee
• A large group of motivated individuals.
• Insights into experiences, beliefs and outcomes of planners across state.
• Information about how subdivision platting, building construction, annexation & ETJ/growth regulation really happen.
WHAT COMES NEXT

• More information to elected officials about how planning efforts leave tangible results
• Contact with individual legislators and staff
• Development of ‘white papers’
• Contribution/responses to interim committees
WHY SHOULD I GET INVOLVED?

• “Decisions are made by those who show up.”
• Decisions are being made about how YOU can perform your job. Why wouldn’t you?
• Members do listen to their constituents.
• If not APATX, then who?
ADVOCACY PARTNERSHIPS
“Using your money to lobby for more of your money is a conflict of interest. It needs to stop.” —@GovAbbott

‘If you can’t beat them, silence them’: City leaders, Texas Legislature at odds over local control
TML LEGISLATIVE PROGRAM

Priorities:

• Defeat any legislation that would erode municipal authority in any way, impose an unfunded mandate, or otherwise be detrimental to cities.

• Defeat... erode municipal authority related to development matters, including with respect to following issues: (1) annexation, (2) eminent domain, (3) zoning, (4) regulatory takings, (5) building codes, (6) tree preservation, and (7) short-term rentals.

• Authorize a city to annex across a road to bring a voluntarily-requested area into city limits.

• Make beneficial amendments to H.B. 2439, building materials bill.
TML LEGISLATIVE PROGRAM

Support:

• make beneficial amendments to H.B. 3167, subdivision platting shot clock bill.
• allow for greater flexibility by cities to fund local transportation projects
• establish that expenditures of Community Development Block Grant funds by cities are a governmental function
• promote pay-as-you-go financing for capital projects by authorizing a dedicated property tax rate that is classified similarly to debt service tax rate in property tax rate calculations
TML PRIORITIES

Broadband Deployment:
• H.B. 5 by Ashby and S.B. 5 by Nichols

Open Meetings Act/Virtual Meetings:
• S.B. 639 by Menendez/S.B. 861 by Paxton/H.B. 1888 by Fiero

Annexation Reform:
• H.B. 545 by Thompson/H.B. 1241 by Shine/S.B. 374 by Seliger

Street Maintenance Sales Tax:
• H.B. 1538 by Johnson and S.B. 402 by Johnson

Newspaper Notices:
• H.B. 1030 by Shaheen/H.B. 2500 by Bailes/H.B. 2578 by Leach
TML PRIORITIES

- Community Censorship
- Revenue Caps / Property Tax-Supported Debt
- Police Reform and “Defunding”
- Sales Tax Sourcing
- Building Materials
- Elections
- Disaster Response
- Short-term Rentals
- Utilities and Electricity / ERCOT Reform
Texas is a unique patchwork of cities. It is important our local governments maintain the ability to govern locally.
OTHER PARTNERSHIPS
NATIONAL APA

• Planners Advocacy Network
• Policy and Advocacy Conference
• Chapter Legislative Liaisons / State Advocacy
• Policy Guides – National Delegate Assembly
DISCUSSION & QUESTIONS