



24<sup>th</sup> Annual Public Works Roundup

# Review of Public Works Bills

88<sup>th</sup> Legislative Session

September 29, 2023



# HB 14 3<sup>RD</sup> PARTY INSPECTIONS AND REVIEW OF DEVELOPMENT APPLICATIONS

- Requires a 15 day “shot clock” for cities and counties to issue building permits.
- The intention is to speed up the local development process to build houses and apartments.
- Note that the definition of “plan” is tied to the definition that was subsequently repealed by HB 3699.

# HB 586 ANNEXATION OF ROADWAYS

- The bill permits annexation of areas anywhere within a city's ETJ, provided a connecting roadway to the city exists.
- Provides a 60-day period for the roadway owner to voice any annexation objections. The intent is to provide clarity and assurance when a roadway is involved in the annexation.

# HB 1526 PARKLAND DEDICATION

- Applies to cities with a population greater than 800,000 (Houston, San Antonio, Dallas, Austin and Ft Worth)
- Limits parkland dedication requirements and fees in lieu of dedication.
- Requires fees and amount of dedication to be calculated by formula, which in may require the city paying for the dedication.
- Excludes parkland dedication for a commercial development
- Requires an appeal process.

# SB 2038 EXTRATERRITORIAL JURISDICTIONAL RELEASE

- Allows residents to be granted a release from a city's ETJ by petition or election
  - Does not apply to voluntary annexation
  - Within a certain distance of a military base
  - In an area designated as an industrial district
- Forced annexation was eliminated in 2019 in Texas. This bill now provides an exit process for those residents who don't want to be part of an ETJ.
- Creates two options for ETJ release.

# HB 3492 VALUE BASED FEES

- Applies to application, review, engineering and inspection fees for projects involving constructing or improving the public infrastructure for a subdivision, lot or related property.
- A city's fee can be determined by:
  - The fee a qualified third party entire would charge,
  - The hourly rate for the estimated actual direct time of a municipality's employee
  - The cost assessed to the municipality by a third-party entity.
- The Texas Supreme Court has previously ruled that a city may recover their cost to perform a service. The fee determination does not have to be mathematically precise, but the result is to only recoup their expenses.

# HB 2127 TEXAS REGULATORY CONSISTENCY ACT

- Prohibits cities from passing and enforcing local ordinances in broad policy areas like agriculture, labor and natural resources where state law already exists.
- The intention is for the state to set broad regulatory policy and forbidding a city from enacting more restrictive policies.
- The bill broadly removes authority from home-rule cities to enact legislation if the state has ever passed any law in the list of prohibited areas.
- The full impact of this law will not be known for many years.
- Some immediate concerns are City of Austin and Dallas ordinance that requires construction workers to receive a 10 minute water break every 4 hours.

# ■ | HB 2127 “DEATH STAR” (CONTINUE)

- Some immediate concerns are City of Austin and Dallas ordinance that requires construction workers to receive a 10 minute water break every 4 hours.
- Ordinances in Austin, San Antonio and Dallas that require employers to provide paid sick leave to their workers.



# HB 4082 LOCAL DEBT

Defined the term “public works” as a street, road, highway, sidewalk, parking structure, landfill, airport, utility system, wharf, dock, flood control project, drainage project, etc.

It specifically excluded:

- A facility where more than 50 percent of the average annual usage is for a professional or semi-professional sports.
- A new stadium that is intended to be leased for a for-profit tenant for more that 180 days in a calendar year
- A hotel.

# HB 1440 CONTRACT CHANGE ORDERS

- Applies to cities with a population greater than 240,000 (Houston, San Antonio, Dallas, Austin, Ft Worth, El Paso, Arlington, Corpus Christi, Plano, Lubbock, Laredo, Irving and Garland)
- Allows City Managers the authority to administratively approve changes orders for public works projects up to \$100,000.



# Questions?

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