



City of Houston Testimony on House Bill 1247
by Kathryn Bruning, Deputy Director of Administration & Regulatory Affairs
House Committee on County Affairs
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Thank you for the opportunity to address the Committee regarding the City of Houston’s concerns about House Bill 1247 (“HB 1247”), relating to municipal regulation of sound for food service establishments. This bill preempts municipal noise regulations that have been enacted at the request of citizens – a particular issue for home rule cities such as Houston, where its citizens select the form of government by open election and are empowered to submit charter amendments and local ordinance options.

The State Health Code describes a “food service establishment” simply as any facility that prepares and serves food. Houston opposes the bill in its current form because, in preempting local jurisdictions from regulating noise produced by “food service establishments,” and in limiting the local jurisdiction’s ability to enforce State noise level limitations, this bill would allow multiple types of establishments to operate without really following *any* noise regulations within a city’s jurisdictional boundaries, as long as they prepare and serve food – including bars, ice houses, and other types of facilities that both prepare/serve food and play loud music.

Since Houston does not have zoning, bars, restaurants, and entertainment establishments that prepare and serve food are often located adjacent to residential property uses. This leads to almost constant tension between the businesses and the residents, making local option ordinances more critical to maintaining the peace, comfort, and repose of our residents. The City of Houston recently enacted new noise regulations that attempted to strike a balance between businesses that play amplified outdoor noise and the residents in those neighborhoods. It is a delicate balance, and even after two years of stakeholder input, we are finetuning the process in response to local neighborhood concerns. HB 1247 would not only preempt our ability to strike this balance, but it would also remove a city’s enforcement powers for food service establishments exceeding the 75 d(B)A statutory standard. Cities would only be able to address excessive noise greater than 85 d(B)A through use of the *penal code for disorderly conduct*.

With the broad definition of food service establishment, this bill would allow facilities within our jurisdictional boundaries – such as one facility that has received more than 89 citations for excessive sound-related issues since the middle of December 2022 – to operate with no local regulation or standards or even enforcement authority. For Houston, HB 1247 would render the City powerless to address our own resident’s concerns and complaints about excessive noise and its impact on their daily lives.

Thank you for the opportunity to submit comments on HB 1247. For the reasons set forth above, Houston requests that HB 1247 not move forward.