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March 22, 2023

The Honorable DeWayne Burns  
House Committee on Land & Resource Management  
P.O. Box 2910  
Austin, Texas 78768

Dear Chairman Burns and Members of the Committee:

On behalf of the City of Houston, I write on House Bill 14 and ask that this written testimony be included in the formal legislative record for H.B. 14. The City and I thank the Committee and Chairman for the opportunity to comment regarding this proposed legislation.

I am Senior Assistant City Attorney for the City of Houston and have been practicing land development law for cities of all sizes for 30 year and have also served as a Professor of Practice in the Urban Planning programs at Texas A&M and Texas Southern University. On this bill, I am speaking on behalf of the City of Houston, and also on behalf of the Texas Chapter of the American Planning Association (APATX), of which I am a past state President and current elected member of the national organizations' American Institute of Certified Planners (AICP) Commission.

The following suggested changes, based on my professional experience, would improve and clarify the bill:

1. Sec. 247.001: Remove the reference to "plat" from the definition of "Development document". Also remove the definition for "Plat". This would align HB 14 with similar efforts developed between the Texas Chapter of the American Planning Association, Texas Municipal League, and the Homebuilders Association that would amend Chapters 212 (for cities) and 232 (for counties) and institute a third-party review process in those chapters. This places the requirement in the correct chapters of the Texas Local Government Code.
2. Sec. 247.002(a)(2)(B) and Sec. 247.002(b)(2)(C): Amend to replace "political subdivision" with "regulatory authority" since the latter is the defined term, and includes "political subdivision".
3. Sec. 247.002(a)(2)(C) and Sec. 247.002(b)(2)(D): Amend to replace the current language: "an engineer licensed under Chapter 1001, Occupations Code" with "a professional, as appropriate and required for the necessary review, licensed if required in accordance with state law, and acceptable to both parties." Some permits or inspections do not require a licensed engineer—a surveyor, building inspector, or urban planner may be the appropriate reviewer.

Council Members: Amy Peck Tarsha Jackson Abbie Kamin Carolyn Evans-Shabazz Dave Martin Tiffany Thomas Greg Travis Karla Cisneros Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Letitia Plummer Sallie Alcorn

Controller: Chris Brown

4. Sec. 247.003: Additional Fee Prohibited be amended to allow a reasonable fee to be charged back, if the third party review is done pursuant to a contract with the regulatory authority for such services. Many cities do not have in-house engineering, surveying, or planning staff, and outsource all of this already to third parties. Fees should not exceed the actual costs incurred.
5. Sec. 247.005, Appeal to governing body is ill-advised; such appeal politicizes permits or inspections, by a group that may not have the technical expertise consistent for review of such plans.

For these reasons, the City of Houston respectfully requests that this item be taken into consideration on H.B. 14.

Sincerely,

/s/Kimberly Mickelson  
Kimberley Mickelson  
Sr. Assistant City Attorney  
City of Houston Legal Department