



CITY OF HOUSTON
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April 5, 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 in opposition to House Bill 4285 and ask that this written testimony be included in the formal legislative record for H.B. 4285. The City and I thank the Committee and Chairman for the opportunity to comment regarding this proposed legislation.

My name is Andy Icken. I am the City of Houston's Chief Development Officer. I testify with the authority to speak on the City of Houston's behalf as part of my assigned duties and responsibilities.

The City of Houston opposes H.B. 4285 because it would eliminate the City's right to enforce its prohibition on new off-premise signs in its extraterritorial jurisdiction.

H.B. 4285 prohibits a municipality that extends its outdoor sign ordinance within its extraterritorial jurisdiction (ETJ) from enforcing a prohibition on outdoor signs in its ETJ unless it adopts an ordinance doing so before the sign is placed, and until it annexes the property on which the sign is placed. These provisions, in combination, would entirely prohibit the City of Houston from enforcing its prohibition on new off-premise signs within its ETJ. Further, the bill's language stating that no sign in the ETJ can be prohibited until the land on which the sign resides is annexed is essentially a blanket ban on sign prohibitions in the ETJ; once annexed, it is no longer part of the ETJ.

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

The Honorable DeWayne Burns

April 5, 2023

Page 2

The City understands the need to balance its interest in promoting traffic safety, reducing visual blight, and protecting property values with the economic concerns of existing sign owners. Therefore, the City of Houston's sign code currently prohibits the placement of new off-premise signs within the city limits and its ETJ, but signs that existed before the prohibition was passed are allowed to remain in place. This "grandfathering" of signs includes signs located in places that later become part of the city's ETJ.

If H.B. 4285 passes, this prohibition would no longer apply in the City's ETJ. This would allow the proliferation of new off-premise signs within the ETJ, which would then be grandfathered and allowed to remain if and when the property on which the signs were placed were annexed. As the ETJ expands, new signs fall under its jurisdiction, and the City does not wish to force those signs new to the ETJ to be removed. The City's sign code prohibits the placement of new off-premise signs in the City and its ETJ; older nonconforming signs are grandfathered in.

The City's sign code provides a balanced approach of grandfathering existing off-premise signs while prohibiting new off-premise signs. A state law regulating signs in municipalities' extraterritorial jurisdictions need to include room for localities to craft rules that best serve their constituents' interests. The interests of sign owners must be balanced with the property rights and needs of their neighbors.

For these reasons, the City of Houston respectfully opposes H.B. 4285.

Sincerely yours,

Andy Icken
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