



# CITY OF HOUSTON

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April 12, 2023

The Honorable Paul Bettencourt  
Senate Committee on Local Government  
P.O. Box 12068  
Austin, Texas 78711

Dear Chairman Bettencourt and Members of the Committee:

On behalf of the City of Houston, I write on Senate Bill 494 and ask that this written testimony be included in the formal legislative record for S.B. 494. 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.

1. This substitute bill is a joint effort of stakeholders involved in the land development process. Several organizations worked together on behalf of all their members; this includes the APATX, Texas Municipal League, and the Texas Homebuilders Association. The Committee Substitute addresses and corrects many issues members of all these groups have faced since the passage of HB 3167, two sessions ago.
2. This bill also makes amendments to Chapters 212 and 232 of the Texas Local Government Code, which govern city and county authority, respectively, in subdivision platting that all groups supported, and that will clarify and streamline the processes.
3. This bill also deals with third party review procedures. In our informal coalition, we didn't all agree on this point in particular, but understand the homebuilders' perspectives.

Based on my professional experience, the following amendment would improve and clarify the bill: Amend the bill so that the final subsections (e) and (e) of Sec 21.00965 Section 7 and Sec. 232.0087 Section 15 read as follows:

The municipality [county] may ~~not~~ collect an additional fee related to the review performed under Subsection (a), equal to the amount charged by the third party reviewer if the municipality [county] is the original payor. No additional fee may be charged if an applicant pays the third party directly.

For these reasons, the City of Houston respectfully requests that this item be taken into consideration on S.B. 494.

Sincerely,

*/s/Kimberley Mickelson*

Kimberley Mickelson

Sr. Assistant City Attorney

City of Houston Legal Department