



CITY OF HOUSTON

Legal Department

Sylvester Turner

Mayor

Arturo G. Michel
City Attorney
Legal Department
P.O. Box 368
Houston, Texas 77001-0368
City Hall Annex
900 Bagby, 4th Floor

T. 832.393.6491
F. 832.393.6259
www.houstontx.gov

May 1, 2023

The Honorable Charles Perry
Chairman
Senate Committee on Water, Agriculture and Rural Affairs
P.O. Box 12068
Austin, Texas 78711

Dear Chairman Perry and Members of the Committee:

On behalf of the City of Houston, I write in opposition to House Bill 1750 and ask that this written testimony be included in the formal legislative record. The City and I thank the Chairman and Committee for the opportunity to provide comments regarding this proposed legislation.

The passage of House Bill 1750 would negatively impact the City's ability to exercise its police powers to protect the citizens of the City of Houston. House Bill 1750 would also impose unduly burdensome requirements upon the City in determining the hazards associated with some agricultural operations.

The amendment to Section 251.005(c) applying the limitation on city regulation of agricultural operations to properties within the city's corporate boundaries would effectively invalidate several decades old city ordinances. Invalidating these ordinances would leave those that these ordinances sought to protect unprotected unless or until a long and arduous new process is successfully completed to justify regulation.

Section 251.0055 essentially requires cities to prove that an agricultural operation that injures public health actually exists before any regulation occurs, which in effect, requires actual injury to exist. The current standard in Section 251.005(c-1), while still requiring a report from a city health officer or a consultant, at least allows those experts to determine that there is a risk that hazards factors will develop. This approach allows cities to regulate before hazards can develop and mature which minimizes or in some cases even avoids actual injury. This new section requires "evidence" of such

hazards to exist at the time that the report is conducted. This means that any hazards prohibited must not only have already developed when the report is conducted but would worsen during the new and lengthier process of justifying the regulation. During this period of “worsening”, those who are affected by these hazards will have to live with and/or around them, again unprotected. If the regulation could be justified, then at the time of its passage it would already have partially failed to accomplish its purpose of protecting public health.

House Bill 1750 gives the Texas A&M AgriLife Extension Service the authority to create a manual identifying “generally accepted agricultural practices” but fails to define that term as a guideline. This yet undefined term and the requirement that the manual be developed “after” the effective date of the Act will create an extended period of uncertainty amongst cities as to which current regulations are affected.

In summation, the new and extended process outlined in this bill would impose an undue burden on the City of Houston and restrict its ability to act quickly to protect its citizenry from hazards created by some agricultural operations within its corporate limits.

For the foregoing reasons, the City of Houston respectfully opposes House Bill 1750.

Respectfully Submitted,

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Wynetta Chaney
Senior Assistant City Attorney, Section Chief
Municipal Prosecution Section
City of Houston Legal Department