



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence

**To:** Members of Houston City Council

**From:** Bill Kelly  
Office of Government Relations

**Date:** December 16, 2020

**Re:** Legislative Priorities for 2021

Under the leadership of Mayor Pro Tem Dave Martin, the Mayor's Government Relations Team worked with members of the Legislative Ad Hoc Advisory Group in producing the following items that make up the City of Houston's 2021 Legislative Priorities. These proposals came directly from City departments and Council Members and were reviewed and approved by the Ad Hoc Advisory Group and the Mayor.

While the Government Relations Team will support and testify on legislation beyond this list, these Legislative Priorities represent legislation that - but for the work of the City of Houston - would not be filed.

### **Concrete Batch Regulation**

It is very difficult to stop the permitting or location of concrete batch plants in the region. Houston is the largest city in America that does not have land use regulations (zoning). The Texas Supreme Court struck down a 2007 City of Houston ordinance that would have required city approval for concrete batch plants.

Particulate Matter 2.5 (PM<sub>2.5</sub>) is pervasive in Houston and poses a serious threat to human health in Houston. The underlying health issues caused by inhalation of PM<sub>2.5</sub> increases the risk of complications and death due to COVID-19.

The City of Houston is seeking legislation to allow a municipality with a population over two million with no land use regulation (only the City of Houston), and a county with a population over four and a half million (only Harris County), to require approval for all new concrete batch permits in addition to a TCEQ permit.

### **Tier II Reporting Reforms**

The Houston area is proud to house more than 2,500 chemical facilities. However, a 2015 Houston Chronicle investigation found there is a major chemical incident in the greater Houston area every six weeks. The investigation found many facilities posed

serious threats to the public but were unknown to most neighbors and largely unpoliced by government at all levels.

The City of Houston is looking to better serve the public by clarifying reports made available to the public, allow for reporting thresholds to be lowered for municipal enforcement, and creating penalties under the Health & Safety Codes for non-compliance.

### **Bandit Sign Penalties**

The City of Houston has an ongoing problem with illegal signs bringing down the quality of life for neighborhoods. Despite efforts to target this blight, the City needs legislative changes to address ongoing issues on “bandit signs.”

### **180 Day Reporting Reforms**

The City of Houston is requesting a change to Local Government Code Section 143.119 to allow the Police and Fire Chiefs to complain of an act that occurred within the six-month period from when the act was discovered, instead of the six-month period from when the act occurred.

Local Government Code currently stipulates a member’s act committed out of the state or a members failure to report an act classified as a felony or any other crime involving moral turpitude may prevent the department head from indefinitely suspending the member if it is not discovered within 180 days.

### **Lake Houston Funding**

Houston wants to build upon the benefits established by SB 7 and SB 8 relative to mitigation funding to include mitigation efforts that are separate and apart from flooding. Being able to streamline hazard mitigation and access a greater amount of funding before another event is an important priority for the City

Specifically, Houston looks to support legislation to provide funding to ensure the annual quality of water, protection of life, and regular maintenance of operations of Lake Houston. Startup costs of \$5 million and \$40 million for the maintenance activities over two years are requested.

### **Municipal Court Access**

Municipal Courts encounter increased difficulty when attempting to verify motor vehicle liability insurance coverage through direct calling to insurance companies. Long wait times on the telephone by court personnel result in backed up court dockets. Court access to the financial responsibility verification program for verification purposes would provide a more streamlined and efficient coverage verification process.

The City of Houston seeks to amend the Texas Transportation Code to authorize a justice or municipal court to access the financial responsibility verification program established under the Texas Motor Vehicle Safety Responsibility Act to verify financial responsibility for the purpose of court proceedings.

## **Planning Historic Preservation Protection**

The City of Houston has regulated historic districts and landmark structures for 20 or more years. However, the City currently is the appellee/defendant in a case pending before the Texas Supreme Court that challenges the City's program as essentially constituting zoning and adopted in violation of and without compliance with statutory regulations and the City's Charter, which requires a vote of the population prior to the adoption of a zoning ordinance.

The legislative change would add a section on Preservation of Historical and Cultural Resources, to allow cities without zoning to adopt rules to protect historic structures, districts, and cultural resources (Statutory reference: Ch. 315, Tex. Local Gov't Code; to add new Sec. 315.007)

## **PACE Legislation**

The City of Houston's commercial Property Assessed Clean Energy (PACE) program provides an additional tool for Houston property owners to finance energy efficiency, renewable energy, and water conservation projects.

Residential PACE is a tool that could help homeowners save energy and water costs while helping the City to meet its climate goals. However, access to traditional capital for many families can be daunting.

Legislation would seek to allow a municipality with a population over two million with no land use regulation (only the City of Houston) to add eligibility for single family homes to participate in the PACE program.

## **Legal Permanent Resident Eligibility**

Some Texas cities, including Houston, are experiencing shortages of peace officers. In Houston, as the nation's most diverse city, the need is especially great for officers that speak multiple languages and come from different backgrounds.

The City of Houston will attempt to amend the Local Government Code to authorize a city that commissions and employs peace officers to hire legal permanent residents of the United States who are honorably discharged veterans of the U.S. armed forces.

## **TDCJ Notification**

Without knowledge of the alternative housing lease facilities, it is difficult for local government to follow up on concerns from citizens regarding unsafe living conditions and overcrowded facilities that may be housing parolees. Building safety for those living in and around these facilities is important and warrants a change in state law to allow easier access to information from the state rather than through the public information request process.

The City of Houston wants to require TDCJ to maintain a list of facilities located in such a county that provides alternative housing to two or more unrelated releasees and a list of releasees being housed at such a facility and sets out certain information required to be included in each list.

If you have any questions, please let me know.