

CITY OF HOUSTON

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The Honorable Joe Deshotel
Chair, House Committee on Land & Resource Management
P.O. Box 2910
Austin, TX 78768

Dear Chairman Deshotel:

I am sending these comments to express the City of Houston's opposition to HB 4121 by Representative Guillen. The bill looks to be a "third bite at the apple" by a handful of developers. The "first bite" was taken last session by HB 3167, which amended Chapters 212 and 232 of the Texas Local Government Code, overturned decades of collaboration between both cities and counties, respectively, and developers. The "second bite" was a request for opinion about the statutory changes of that bill that resulted in Tex. Att'y Gen. Op. KP-0349, correctly holding that state law was not amended to limit locally required prerequisites to subdivision plats such as LOMRs, CLOMRs, or traffic impact analyses. This "third bite" now seeks to develop a broad definition of plans and plats that only addresses limited concerns about approval processes. Houston, and Texas cities are interested in economic development and work with developers on complex developments, the plans for which often take more than 30 days for review by staffs. Having certain approvals or review documents in-hand at the time of application makes the review and approval process faster, not slower. This "third bite" amends Chapter 250 of the Texas Local Government Code, which is an obscure, inappropriate place to lump this type of plan and plat review, and tries to create a one-size-fits all, rigid development plan review list that corrects a limited problem.

HB 4121 is overbroad and vague as written and fails to understand the realities of multi-jurisdictional (local, state, federal) approvals and negotiations that land development entails. It also places this in an obscure chapter of the Local Government Code and would create internal inconsistencies between it and other chapters in the Texas Local Government Code.

This bill will have a negative impact on the work of developers, builders, and every "political subdivision." The definition for "land development application," one of only a few terms defined, includes subdivision development plan, subdivision plan, subdivision construction plan, site development plan, any city or county subdivision plat, and "any other application relating to land development." It requires approval of all applications within 30 days by "a political subdivision" without

specifying if that is the governing body, a planning commission, or staff. It also is silent as to whether “political subdivision” includes school districts, or Municipal Utility Districts.

Many land development applications are complex and require lengthy, multi-layered approvals. This is the very nature of land development. Many cities will have to hire new staff or contractors to assist in the reviews contemplated by this bill, likely leading to fee increases to pay those costs.

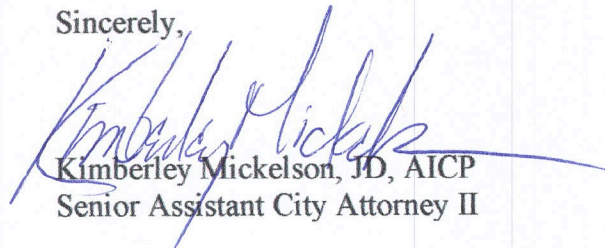
Finally, the bill proposes that taxpayers be on the hook for attorney’s fees; or perhaps taxpayers are on the hook to subsidize permit costs if fees are not raised to cover new staff. It has long been a principle of land development in Texas that new development should pay for itself.

The subdivision shot clock bill (HB 3167, 86th Legislature) was, by most accounts of Houston homebuilders and developers, wholly ill-advised and unnecessary. Development processes work in Houston and in many other political subdivisions, by engaging in a cooperative review and approval of plans. Getting buildings on the ground means jobs, sales taxes, and economic growth in any political subdivision. The process has always been a balancing act: political subdivisions expect quality development and developers want quick approvals. It’s winning at that balancing act that has made Houston the star of the state. Communities working together with builders and developers is the solution, and development should pay for itself, not existing taxpayers.

HB 4121 places more burdens on taxpayers, creates more bureaucracy by requiring more reviewers and fees, is overbroad as written and is inconsistent with existing statutory authority.

For these reasons, the City of Houston respectfully opposes HB 4121.

Sincerely,



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