



Legislative Update

Laura Mueller, City Attorney

2021 Legislative Session



- Ended at beginning of June 2021
- House members walked out at end of session, killing many bills
- Died:
 - “shot clocks” in the building permitting and land development fields
 - “super preemption” bill that would have prevented many city regulations from applying to any state license holder
 - Bee bill that would have prevented cities from regulating backyard agricultural practices

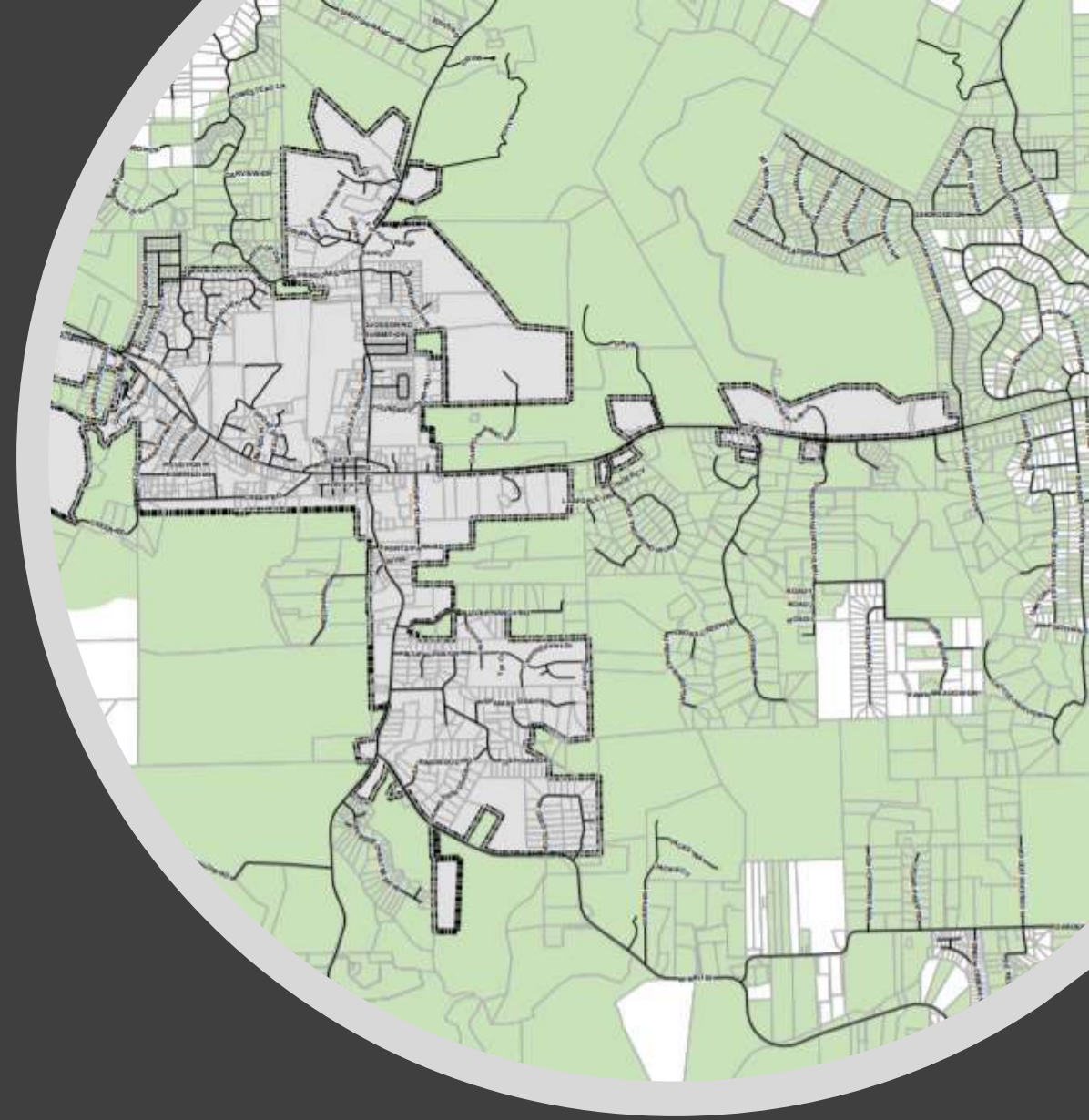


Building Bills

- **HB 738 – Building Codes:** fire sprinkler prohibition (again) – moved to 2012 codes – will require public hearings for building code amendments by ordinance. Effective 09/01/2021.
- **SB 877 – Building Inspections:** during emergencies anyone can inspect who is certified and does not have an interest in the property. Effective Immediately.
- **SB 952 – Concrete Batch Plants** – more info for TCEQ reviews. Effective 09/01/2021

Planning Bills- Annexation and DAs

- **SB 374 – Annexation of Right of Way:** Annexation of ROW is easier because only notice to the property owner (TxDOT/Hays County) is required rather than permission. Effective Immediately.
- **HB 1929 – Development Agreements:** City now have liability for breach of contract for Development Agreements including any costs that are incurred by the landowner due to the breach of the agreement. Effective 09/01/2021.
- **HB 2404 – 380 Agreements:** Requires reporting of 380 agreements or amendments to 380 agreements. Effective 09/01/2021.



Planning Bills-Broadband Development & Camping Band

- **HB 5 – Broadband Development Office:** Creates a State Broadband Plan with a broadband development office that can award grants or loans for the purpose of expanding access to, and adoption of, broadband service. Effective Immediately.
- **HB 1925 – Camping in Public:** Creates a Class C misdemeanor for a person who intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the authority to manage the public place. Effective 09/01/2021.





Planning-Board of Adjustment and TIRZ

HB 1475 – Board of Adjustment: allows the BOA to consider financial considerations when granting variances including the cost of compliance. Effective 09/01/2021.

SB 244 – TIRZ: TIRZ Boards are now subject to the Open Meetings Act. Effective 09/01/2021.

Planning-Religious Organizations and Learning Pods

HB 525 – Religious Organizations: emergency management bill that limits how churches can be regulated if it limits how churches perform services. Effective Immediately.

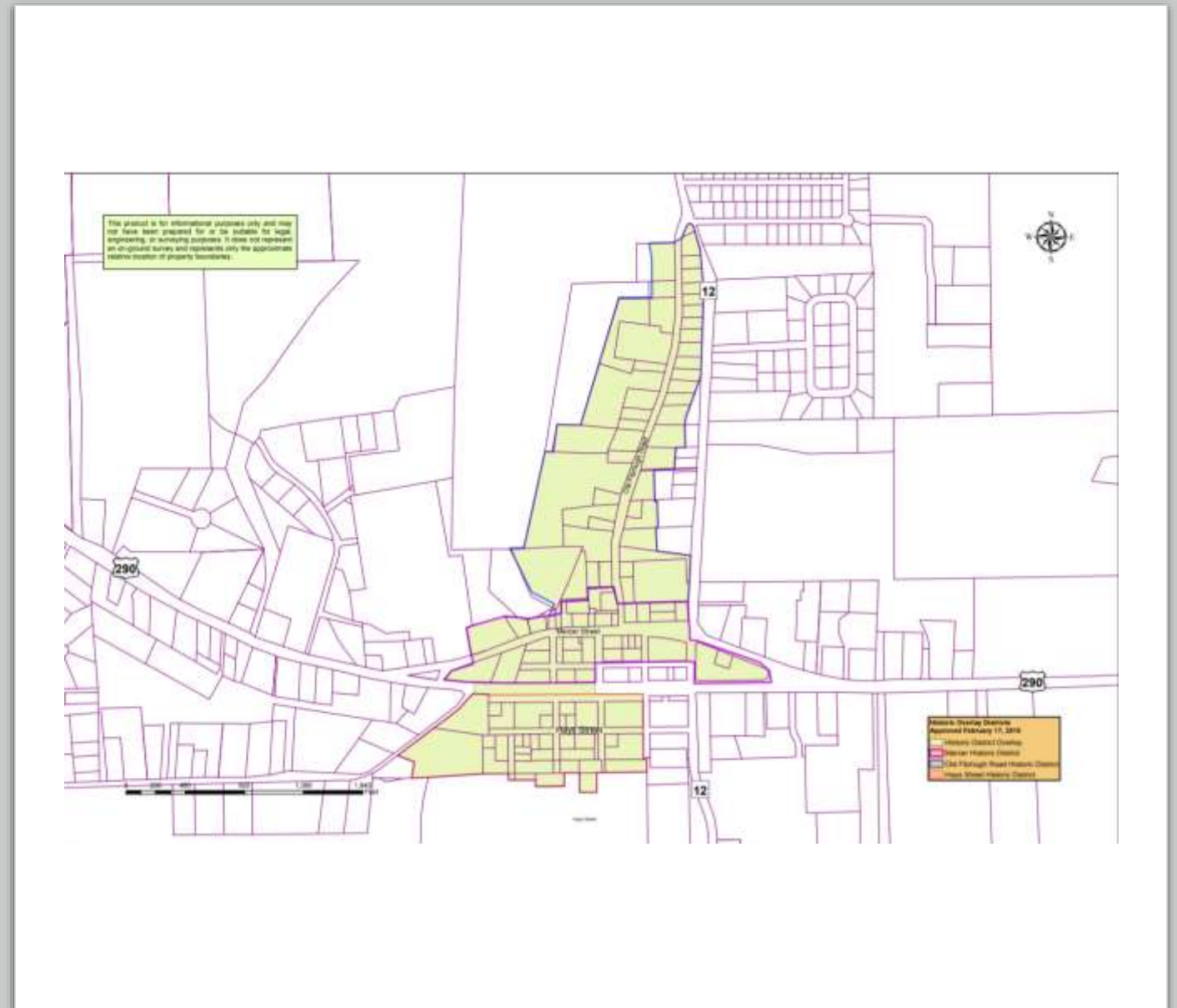
HB 1239 – Religious Freedom: emergency management bill that limits when churches can be required to close but is broadly written to prohibit any action that “effectively” closes the church. Effective Immediately.

SB 1955 – Learning Pods: cannot regulate residences or other buildings differently as a learning pod then if it wasn't being used a learning pod including as a child-care facility. Effective Immediately.



City Administration: Historic Landmarks

- **SB 1585 – Historic Landmark:** Modifies how a City can designate a historic landmark or include property in a historic district. City will need to designate one commission to take care of this issue and will need to work with property owners on historic properties. Effective 09/01/2021.



2021 Bill Action Log

Bill	Department	Category	Description	Code Changes	Required Action	Effective
HB 738	Building	Building Codes	Relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.	Cannot require residential fire sprinklers in a residence.	9/1/2021+16:23	9/1/2021
SB 877	Building	Building Inspections	Relating to the inspection of municipal buildings during a declared disaster.		in disaster area allow a certified inspector to inspect buildings so long as they are not the owner or the contractor.	immediately
SB 952	Building	Concrete Batch Plants	Relating to plot plan requirements for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality.		additional information will be available on concrete batch plant plot plans for TCEQ	9/1/2021
HB 525	Planning	Religious Organizations	Relating to the protection of religious organizations.		Review current procedures and ordinances to ensure they are not detrimental to religious organizations.	immediately
HB 1239	Planning	Religious Freedom	relating to the prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship		"has the effect of closing places of worship" could affect planning if enforcement of a building or planning ordinance "effectively closes" a church	immediately
HB 1475	Planning	Board of Adjustment	Relating to municipal board of adjustment zoning variances based on unnecessary hardship.	may make a change to allow consideration of the financial cost of compliance.		9/1/2021
HB 1525	Planning	Camping Ban	Relating to prohibitions on camping in a public place and to a political subdivision's designation of property for camping by homeless individuals; creating a criminal offense.	may adopt a stricter camping ban; may provide effective consent to camping if certain conditions are met.		9/1/2021
HB 1529	Planning	Development Agreements	Relating to the breach of development agreement contracts governing land in the extraterritorial jurisdiction of certain municipalities.		Review all Development Agreements and do a risk assessment of possible costs to cities. Waives immunity from damages and suit for the City that violates a development agreement	9/1/2021
HB 2404	City Administration	380 Development Agreements	Relating to municipal annexation of certain rights-of-way.		Ensure we list our 380 agreements on the Comptroller's database.	9/1/2021
SB 244	City Administration	TIRZ	Relating to the application of the open meetings law to the board of directors of certain tax reinvestment zones.	Update ordinances and bylaws for TIRZs 1 & 2 to apply the Open Meetings Act.	Educate board.	9/1/2021
SB 374	Planning	Annexation of Right of Way	Relating to municipal annexation of certain rights-of-way.		City can annex right of way by giving notice to owner of right-of-way.	immediately
SB 1338	Planning	Annexation Agreements	Relating to disclosure requirements for		Update Annexation Agreements	9/1/2021

- Bill Number (including where bill originated)

AN ACT

relating to municipal board of adjustment zoning variances based on unnecessary hardship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 211.009, Local Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In exercising its authority under Subsection (a)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;

(2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) the municipality considers the structure to be a nonconforming structure.

SECTION 2. Section 211.009(b-1), Local Government Code, as added by this Act, applies only to an appeal filed with a municipal board of adjustment on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.

- Caption
- Sections affected
- Additional info and possible repealers
- Effective Date



DRIPPING SPRINGS
Texas

3rd Special
Session begins
September 20,
2021



QUESTIONS