



# Inside the 81st Legislative Session

From Jan. 13 through June 1, it was not unusual for the TAB government relations and lobby team to spend most of their days, nights and weekends at the pink dome in Austin. Monitoring committee hearings and floor debates on more than 1,000 bills as they went through the legislative process became quite demanding for all that were involved. In the end, TAB's hard work paid off, and it ended up being a successful session after all.

Your TAB legislative team would like you to be informed on recently passed legislation that relates to the Texas residential construction and land development industries. Following are summaries of bills that may have a direct impact on you and your business. Complete bill text and other bill-related information can be found by visiting the Texas Legislature Online at <http://www.capitol.state.tx.us/>.

## House Bills

### HB 8

**(John Otto, R-Dayton) Relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts. Senate Sponsor: Williams** — This bill requires the comptroller of public accounts to conduct a study, at least every two years, using comparable sales and generally accepted auditing and sampling techniques to determine the total taxable value of all property in each school district. This bill also requires the comptroller to conduct a property value study and have an advisory committee comprised of members of the legislature, representatives of appraisal districts, taxpayers of the state and representatives of school districts. The comptroller will review appraisal districts at least once every two years to evaluate the governance of each district, taxpayer assistance provided, and the operating and appraisal standards, procedures, and methodology used by each appraisal district. At the conclusion of the evaluation, the comptroller will provide a report on the district's performance.

### HB 348

**(Aaron Pena, D-Edinburg) Relating to the punishment for theft of certain aluminum, bronze or copper materi-**

**als. Senate Sponsor: Carona** — This bill amends the Penal Code making it a state jail felony if \$20,000 or less of insulated or non-insulated tubing, rods or wire that are at least 50 percent aluminum, bronze or copper is stolen. If the value is higher, the offense becomes third-degree state felony. This puts the theft of copper wire or tubing (water pipes) on par with cattle rustling.

### HB 669

**(Burt Solomons, R-Carrollton) Relating to liability arising out of the filing of a mechanic's, contractor's, or materialman's lien. Senate Sponsor: Harris** — Section 12.002 of the Civil Practice and Remedies Code includes criminal penalties for filing fraudulent court documents. This bill amends that section to provide that a person claiming a lien under Chapter 53 (Mechanic's, Contractor's, or Materialman's Lien), Property Code, is not liable under this section for the making, presentation, or use of a document or other record in connection with the assertion of the claim unless the person acts with intent to defraud.

### HB 703

**(Patrick Rose, D-Dripping Springs) Relating to fall prevention awareness. Senate Sponsor: Nelson** — This bill establishes a "Fall Prevention Awareness Week" that begins the first Sunday after the autumn

equinox. The Texas Department of Aging and Disability Services is responsible for the program and for developing recommendations that "incorporate fall prevention guidelines into state and local planning documents that affect housing."

### HB 875

**(Rob Eissler, R-The Woodlands) Relating to civil liability for erecting or maintaining certain outdoor sign or advertising. Senate Sponsor: Carona** — Amends the Transportation Code by establishing that individuals are liable for civil penalties relating to placing signs and bandit signs in the right of way. Currently, a person is liable for civil penalties to the state or the municipality for a violation. This bill eliminates the language referring to the state and municipality. Also allows a district, county or city attorney to recover attorney's fees in an action brought against someone for the placement of signs or bandit signs in a public right-of-way.

### HB 1029

**(Eddie Rodriguez, D-Austin) Relating to the development, rehabilitation, or expansion of affordable housing in a public improvement district established by a county or municipality. Senate Sponsor: Watson** — Amends Section 372.003 of the Local Government Code to add "the development, rehabilitation, or

expansion of affordable housing” to the list of authorized public improvement projects that can be implemented in a Public Improvement District (PID).

### HB 1063

**(Joe Farias, D-San Antonio) Relating to emergency vehicle access to certain gated communities and multi-unit housing projects. Senate Sponsor: Wentworth** — This bill gives a commissioners court the authority to require the electric gates of a gated community or to a multi-family complex be equipped with a gate-operating device that: 1) is approved by the fire marshal and, 2) will activate on the sounding of an emergency vehicle siren.

### HB 1473

**(Charlie Geren, R-River Oaks) Relating to the application of certain requirements affecting certain subdivision golf courses. Senate Sponsor: Nelson** — This bill expands the bracket to include Tarrant County to the section of the local government code that addresses the plat requirements of certain subdivision golf courses and related property.

### HB 1484

**(Jim Pitts R-Waxahachie) Relating to the use of certain professional titles by interior designers. Senate Sponsor: Fraser** — Allows non-registered interior designers and interior decorators to call themselves an “Interior Designer” so long as they do not portray themselves as, or use the professional business title of, a “Registered Interior Designer” unless they are, in fact, a registered interior designer.

### HB 1513

**(Wayne Smith, R-Baytown) Relating to construction contract trust funds and the misapplication of those funds. Senate Sponsor: Jackson** — This bill amends the Property Code to state that trust funds paid to a creditor are not property or an interest in property of a debtor who is a trustee. The bill also amends the construction trust fund statute to create a trust fund relationship between a builder and homeowner, just as it currently exists between a builder and subcontractor.

### HB 1819

**(Dwayne Bohac, R-Houston) Relating to minimum habitability standards for**

**multi-family rental buildings in certain municipalities. Senate Sponsor: Ellis** — This bill empowers a municipality with more than 1.7 million people the ability to enact an ordinance that establishes minimum habitability standards for multi-family buildings, including “maintenance of proper operating conditions” and the municipality can “establish other standards as necessary to reduce material risks to physical health or safety.”

### HB 1937

**(Mike Villarreal, D-San Antonio) Relating to the voluntary assessment of property owners by a municipality to finance certain energy conservation improvements. Senate Sponsor: Seliger** — The bill amends Chapter 376 of the Local Government Code to permit municipalities to create financial districts to loan money for renewable power and energy efficiency improvements that are permanently fixed to residential, commercial, industrial or other real property. The cost of energy efficiency improvements is paid back through property assessments that the owner contractually-agrees to and the assessment is passed on to

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## HB 2295 — The Texas Residential Construction Commission Sunset Bill

The Sunset Advisory Commission, a 12-member legislative body, exists to discover and reduce duplication and inefficiencies in our state agencies by reviewing the policies and programs of those agencies on a regular basis and ultimately recommending action to the full Texas Legislature. Generally, agencies undergoing Sunset review are automatically abolished unless legislation is enacted to continue them. This last session, the Texas Residential Construction Commission (TRCC) underwent Sunset review. However, the Texas Legislature did not pass the TRCC Sunset bill, effectively shuttering the agency. The process was a lengthy one, beginning in early 2008 as the Sunset Commission began its review of the TRCC. The recommendations handed down by the Sunset Commission in late 2008 were eventually drafted into bill form and filed with the Texas Legislature as HB 2295 in the House and SB 1015 in the Senate. Several additional bills dealing with the TRCC were filed, but HB 2295 became the only TRCC vehicle that moved through the legislative process. As is usually the case with legislation of this magnitude, the bill underwent several modifications as various parties gave their input on the issue.

As HB 2295 was passed by the House and sent to Senate, it was apparent that the bill was in serious jeopardy due to concerns both by those who believe the legislation did not go far enough and those who maintained that the legislation created too many regulatory burdens upon the home building industry. Even though TAB opposed several provisions of the proposed bill, the association continued to strongly state its willingness to work with lawmakers to craft a bill acceptable to all parties. However, many friends of the industry could not support the House’s version of HB 2295 with such onerous provisions, and the bill ultimately ran into various legislative deadlines that could not be overcome.

As we move forward, it is important to note the following TRCC advisories regarding the wind-down of the agency:

- Under provisions of Texas Government Code 325.017, the commission [TRCC] will not be accepting new inspection requests after Aug. 31, 2009.
- All new homes and projects completed by Aug. 31, 2009 must be registered.
- All new builder registrations and timely renewal registration applications will be accepted through Aug. 31, 2009.
- Inspection requests will be accepted through Aug. 31, 2009.
- Inspection requests will be scheduled for inspection as soon as possible following commission [TRCC] rules, policies and procedures.
- Ombudsmen will actively process complaints and post-inspection actions through Aug. 31, 2010.

Due to the fact that the TRCC and the entire Act on which the agency is based ceased to exist on Sept. 1 of this year, the TAB Contracts Committee worked diligently to update the TAB Residential Construction Contracts to reflect this event and properly protect builders and consumers alike. While it is a disappointment that the TRCC will cease to exist, our industry will flourish just as it did before the creation of the agency, and we have much work to do in anticipation of the 2011 Texas Legislative Session.

subsequent buyers. The energy “PID” can be financed by the sale of bonds or other financing and any assessments constitute a lien on the lot until paid.

**HB 2275****(Richard Raymond, D-Laredo)**

**Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.**

**Senate Sponsor: Zaffirini** — The bill would amend statute and create a task force to research and identify the conflicts and deficiencies in current law regarding the regulation of subdivision development in the unincorporated areas of counties near the international border and in economically distressed counties. The task force must develop recommendations and draft a proposal for legislation to create uniform standards for subdivision regulation in these areas. The Texas Water Development Board would provide administrative support to the task force, including necessary staff and meeting facilities. Of the 23 members on the task force, three will be appointed by the president of TAB to represent the interests of builders and land developers.

**HB 2344**

**(Helen Giddings, D-De Soto) Relating to the urban land bank demonstration program in certain municipalities.**

**Senate Sponsor: West** — This bill provides that tax lien foreclosed property can be sold to a land bank regardless of zoning, and upon development may be zoned for more than one use that must include residential. The bill also extends the time that land in an urban land bank must be sold to a developer for the purpose of constructing affordable housing from three years to four years. The bill also allows developers to do lot exchanges between land sold by the bank and other land owned or purchased by a developer who receives the land. Finally, the bill allows a land bank to sell two adjacent properties to a developer if: 1) one of the properties is residential and, 2) the developer agrees to replace the properties into one that is appropriate for residential.

**HB 2649**

**(Wayne Smith, R-Baytown) Relating to the regulation and practice of engineer-**

**ing. Senate Sponsor: Deuell** — Among other things, this bill requires all TWIA windstorm certifications/inspections to be performed by a licensed engineer. This bill also requires all foundations located in soil meeting the IRC expansive soil certifications to be either designed by a licensed engineer or meet the IRC prescriptive requirements for expansive soil.

**HB 2665**

**(Allan Ritter, D-Nederland) Relating to authorizing the commissioners court of a county to adopt and impose standards and specifications for the design and installation of address number signs to identify properties located in unincorporated areas of the county.**

**Senate Sponsor: Williams** — This bill gives the commissioners court the authority to adopt standards and specs for the design and installation of property address numbers. The address sign standards and specs can include size, material, ability to reflect light, and longevity. The bill further provides that the commissioners court may also require property owners to obtain the signs and install and maintain those signs at the location and in the manner required by those standards. If property owners fail to comply, they can be charged with a Class C misdemeanor.

**HB 2667**

**(Allan Ritter, D-Nederland) Relating to performance standards for plumbing fixtures sold in this state.**

**Senate Sponsor: Hinojosa** — This bill addresses water flow rates for plumbing fixtures. The flow rates for lavatory faucets are set at 2.2 gallons per minute. The water flow rate for shower heads is 2.5 gallons per minute. For toilets, the maximum flow rate is 1.6 gallons per flush. After Jan. 1, 2014, any toilet “sold, offered for sale or distributed in this state” must be a dual flush toilet where the average flush volume of two reduced flushes and one full flush does not exceed 1.28 gallons or a single flush toilet with an average flush volume that does not exceed 1.28 gallons. The toilet manufacturers must have at least 50 percent of their models comply with the new standard on display after Jan. 1, 2010. This percentage increases every year until year 2014.

**HB 2833**

**(Marissa Marquez, D-El Paso) Relating to certain building code standards**

**applicable to the unincorporated areas of certain counties; providing a penalty.**

**Senate Sponsor: Shapleigh** — Gives all counties, except Loving County, the authority to require one- and two-family homes in the unincorporated areas of that county to be built/remodeled to either the county seat’s version of the IRC or the 2006 IRC (the builder makes the choice), and to require a third party inspection to ensure code compliance. The inspectors, as chosen by the builder, may be one of the following:

1. A licensed engineer
2. A registered architect
3. A TREC inspector
4. A plumbing inspector employed by a municipality and licensed by the Texas State Board of Plumbing Examiners
5. A building inspector employed by a political subdivision
6. An individual certified as a residential combination inspector by the ICC

The inspections must occur at the following stage, if applicable:

1. The foundation stage, before the placement of concrete
2. The framing and mechanical systems stage, before covering with drywall or other interior wall covering
3. On completion of construction of the residence

The county may also require that certain notice, including notice of the inspections and the location and approximate date of construction, be given to the county. If such notice is not given, the county may seek injunctive relief and make the builder subject to a Class C Misdemeanor. The bill specifically states that it may not be construed to require prior approval by the county before the beginning of new residential construction or authorize the commissioners court of a county to adopt or enforce zoning regulations.

**HB 2919**

**(Susan King, R-Abilene) Relating to the regulation of land use and the creation of regional military sustainability commissions to ensure compatible development with military installations in certain areas.**

**Senate Sponsor: Fraser** — HB 2919 prohibits the defense community of Dyess Air Force Base in Abilene from adopting or amending an ordinance, rule, or plan in an area located within eight miles of the boundary line of Dyess until the 31st day after the date the community receives comments and analysis from the base. HB

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2919 further prohibits the defense community of Dyess Air Force Base in Abilene from approving a building permit in an area located within eight miles of the boundary line of Dyess until the 5th day after the date the community receives comments and analysis from the base.

HB 2919 also amends the Local Government Code to authorize counties with unincorporated areas within five miles of a military base and cities of 1.1 million or more with ETJs within five miles of a military installation to establish and fund a regional military sustainability commission (commission). A commission would be required to establish an advisory committee to advise the commission on protecting the critical military missions of the military installation with regard to development. The bill would allow a landowner aggrieved by a report submitted by the commission or by a permit application decision by the participating governmental entities to appeal to a district court. The court would have the authority to reverse or modify, wholly or partly, the report or the permit application decision that is appealed. The following are exempted from the bill:

- 1 A tract of land used for a single-family residence located outside the boundaries of a platted subdivision
- 2 Agricultural uses
- 3 An area subject to the vested rights statute

### **HB 3065**

**(Dwayne Bohac, R-Houston) Relating to municipal registration of vacant buildings in certain counties. Senate**

**Sponsor: Ellis** — This bill establishes in the Local Government Code that a building is presumed to be vacant if all activity, including construction activity, has ceased for more than 150 days. The bill allows that a municipality located in a county with a population of 1.5 million or more may adopt an ordinance requiring owners of vacant building to register their building and to provide the disclosure of information “reasonably” necessary for the municipality to minimize the threat to health, safety and welfare that a vacant building may present to the public.

### **HB 3502**

**(Joe Pickett, D-El Paso) Relating to acknowledgements required of a purchaser of residential real property in**

**connection with the receipt of a seller’s disclosure notice regarding the property. Senate Sponsor: Fraser** — This bill changes the seller disclosure language for property buyers by striking language that addressed the presence or non-presence of smoke detectors and adding new language on the topic. The new language in the seller’s disclosure clearly states that a buyer may require the seller to install smoke detectors for the hearing impaired if the buyer or a member of the buyer’s family is hearing impaired. The parties may agree who will bear the cost and which brand of detectors will be installed.

### **HB 3611**

**(John Otto, R-Dayton) Relating to the consolidation of appraisal review boards. Senate**

**Sponsor: Williams** — This bill allows for two or more adjoining appraisal districts to combine their appraisal review boards into one by interlocal contract.

### **HB 3612**

**(John Otto, R-Dayton) Relating to the creation of a pilot program that allows taxpayer appeals from certain appraisal review board determinations in certain counties to be heard by the State Office of Administrative Hearings. Senate**

**Sponsor: Williams** — This bill creates a three-year pilot program for a property owner to protest an appraisal review board order to the State Office of Administrative Hearings if the value of the home is greater than \$1 million. The following counties are to be included: Bexar, Cameron, El Paso, Harris, Tarrant, and Travis.

### **HB 3613**

**(John Otto, R-Dayton) Relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property’s value as a residence homestead and to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans and to the amount of the exemption from ad valorem taxation to which a disabled veteran is entitled based on disability rating. Senate Sponsor: Williams** — A disabled veteran receiving 100 percent disability compensation from a service-related accident and a disability rating of 100 percent receives an exemption from taxation on the total appraised value of their homestead. The bill also amends the

disability ratings to 10-30 percent for a \$5,000 exemption, 30-50 percent for \$7,500 exemption, 50-70 percent for \$10,000 exemption and 70 percent and over for a \$12,000 exemption. In determining school district appraisal values, a resident that receives the exemption is not considered to be taxable property during the year of study. This bill states that the market value of a residence homestead should only be determined by the property’s value, not the highest and best use.

### **HB 3661**

**(Sylvester Turner, D-Houston) Relating to standards for installing fire hydrants in certain residential areas. Senate**

**Sponsor: Gallegos** — This bill establishes that the regulatory authority for a public utility shall adopt rules for installing fire hydrants and maintaining adequate pressure for service to fire hydrants adequate to protect public safety in residential areas in a municipality with a population of 1,000,000 or more.

### **HB 3866**

**(Elliott Naishtat, D-Austin) Relating to fire safety inspections. Senate Sponsor:**

**Watson** — This bill stipulates that only an individual certified as a fire inspector may conduct fire safety inspections required by state or local laws. The bill applies only to a fire safety inspection that occurs on or after Sept. 1, 2011. It is unclear how this bill will affect the provision of SB 1410 that allows a plumber who installs a multipurpose fire sprinkler system to inspect their own work.

### **HB 4275**

**(Jose Menendez, D-San Antonio) Relating to the application process and scoring for the low-income housing tax credit program. Senate Sponsor: West** —

This bill would allow the state to open its application process outside the uniform application cycle for low-income housing tax credits if/when the state gets funds from the federal government via the American Recovery and Reinvestment Act. The bill also provides that the state, if allowed by federal law, secure the interests of the state through bonds, ownership interests in property, restrictive covenants, and/or liens filed on the property for which the applicant has accepted funds until such time as the department and the State of Texas do not have liability to repay or recapture such funds.

## HB 4409

(Larry Taylor, R-League City)

**Relating to emergency preparation and management. Senate Sponsor: Jackson, Mike** — HB 4409 directs the General Land Office (GLO), the Texas Department of Transportation (TxDOT), and the Texas Department of Housing and Community Affairs (TDHCA) to solicit and enter into pre-event contracts for weather-related disaster response activities after a disaster.

HB 4409 also addresses windstorm issues. It adds all homes “altered, remodeled or enlarged” to the current “constructed or repaired” homes that must get a windstorm inspection in order to be eligible for TWIA windstorm insurance and directs TDI to implement a reasonable fee for all inspections. It also states that TDI may not consider any coverage request if, within six months after the final inspection of a structure, the department has not received: (1) fully completed documentation verifying that the structure has been built in compliance with TDI windstorm requirements; and (2) full payment of all inspection fees. It further states that a home in the designated catastrophe area may not be insured by TWIA unless it is built in compliance with TDI building code requirements.

HB 4409 sets a surcharge for certain non-compliant buildings. The bill would restructure the revenues collected and deposited into the Catastrophe Reserve Trust Fund. The bill would authorize the Texas Public Finance Authority to issue public securities on behalf of TWIA. The bill would create the windstorm insurance legislative oversight board to monitor TWIA and review proposed legislation. Finally, the bill would require the board to produce a biennial report on the board’s recommendations.

## HB 4765

(Rene Oliviera, D-Brownsville)

**Relating to the computation of the franchise tax. Senate Sponsor: Patrick, Dan** — This bill will permanently raise the franchise tax exemption from the current \$300,000 to \$600,000, and through 2011, there will be a temporary franchise tax exemption increase to \$1 million. Beginning Jan. 1, 2012, the sliding scales discount for small businesses will be adjusted to reflect the permanent exemption increase of \$600,000. The current franchise tax offers certain benefits to business owners such as allowing businesses with less than \$10,000,000 in total revenue to

use the “EZ calculation” in which they pay a gross receipts tax of 0.575 percent instead of the margins tax calculation. Another benefit offered under the current tax is to exempt companies whose tax liability is less than \$1,000 from paying.

## HJR 14

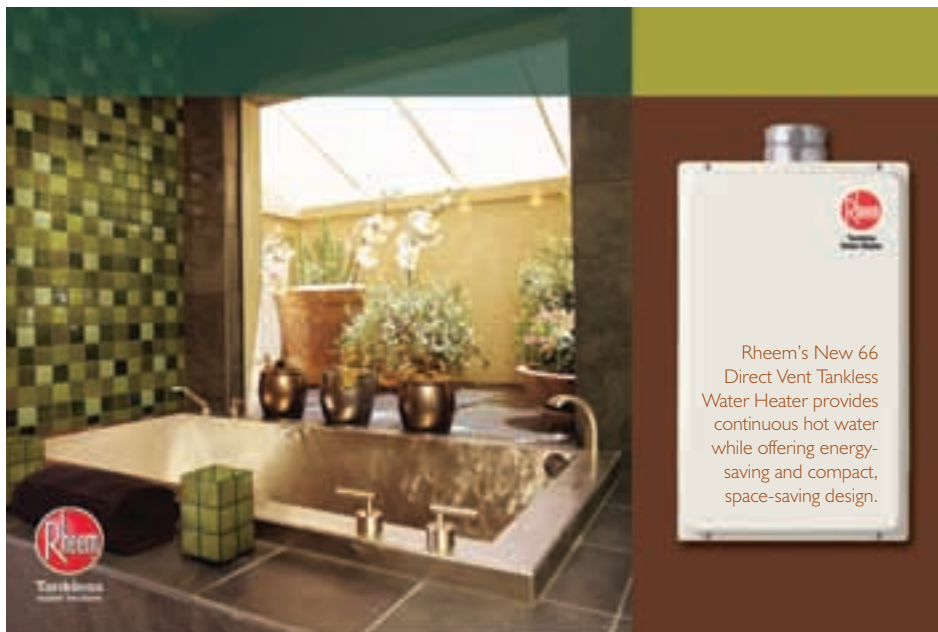
(Frank Corte, Jr., R-San Antonio)

**Proposing constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminat-**

**ing the higher education fund. Senate Sponsor: Duncan** — Proposes an amendment to Article I of the Texas Constitution to specify that the taking of private property is authorized only if it is necessary for: the ownership, use, and enjoyment of the state; a political subdivision of the state; the public at large, or an entity granted the power of eminent domain under the law; or the elimination of urban blight on a particular parcel of property.

The definition of term “public use” would be modified to not include the taking of

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property by the state or a political subdivision of the state for transfer to a private entity for the purpose of economic development or enhancement of tax revenues. On or after Jan. 1, 2010, the legislature would be allowed to enact a general, local or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house. The proposed constitutional amendment would be submitted to the voters at an election to be held Nov. 3, 2009.

### HJR 36

**(John Otto, R-Dayton) Proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead; authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations; and authorizing the legislature to provide for the administration and enforcement of uniform standards and procedures for**

**appraisal of property for ad valorem tax purposes. Senate Sponsor: Williams** — The joint resolution allows for real property that is a homestead to be taxed only for property's value as a residence, not for the highest and best use. Two or more adjoining appraisal districts are permitted to combine their appraisal review boards into one should they elect to do so. The joint resolution also allows for uniform standards and procedures in appraising property as it pertains to ad valorem taxation.

### HJR 132

**(Frank J. Corte, Jr., R-San Antonio) Proposing a constitutional amendment relating to the financing, including through tax increment financing, of the acquisition by municipalities and counties of buffer areas or open spaces adjacent to a military installation for certain purposes. Senate Sponsor: Wentworth** — Proposes an amendment to Article III of the Texas Constitution to authorize a municipality or county to issue bonds or notes to finance the acquisition of buffer areas or open spaces adjacent to a military installation for the prevention of encroachment or for the construction of roadways or

infrastructure to protect or promote the mission of the military installation. The municipality or county may pledge their ad valorem tax revenue for repayment of the bonds or notes. The proposed constitutional amendment would be required to be placed on the ballot at an election to be held Nov. 3, 2009.

## Senate Bills

### SB 293

**(John Carona, R-Dallas) Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds. House Sponsor: Alonzo** — This bill amends the Transportation Code with regard to how a transportation authority secures bonds with pledged taxes and revenues. Any revenue in excess of amounts pledged shall be used to fund operations and maintenance and fund operating reserves.

### SB 361

**(Dan Patrick, R-Houston) Relating to the requirement that water and sewer**



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**service providers ensure operations during an extended power outage. House Sponsor: Callegari** — Amends Sec. 13.139 of the Water Code to require utilities (retail public utilities, exempt utilities, or providers of wholesale sewer or potable water service) in a county with a population of 3.3 million or more or in a county of 400,000 or more adjacent to a county with a population of 3.3 million to ensure the operation of their water and sewer systems during an extended power outage, as well as adopt an emergency preparedness plan that demonstrates the entity's ability to continue to provide water and sewer services during an extended power outage. The PUC will prepare an emergency plan template to use when preparing and submitting the plan.

## SB 627

**(John Carona, R-Dallas) Relating to a rebuttable presumption regarding liability of an in-home service company or residential delivery company for negligent hiring. House Sponsor: Solomons** — Amends Sec. 145.003 of the Civil Practices and Remedies Code to make a few changes to the current law that requires that before associating with or hiring an officer, employee, or prospective employee in a position whose duties include entry into another person's residence (including an attached garage or other attached area), the employer must do a criminal history check or ascertain that the person holds an occupational license in Texas and that a background check was performed in order for the person to obtain the license. The bill also establishes a rebuttable presumption to negligent actions if a background check was performed for felonies in the past 20 years or Class A or Class B misdemeanors for the past 10 years, and a check was done to see if the employee had been placed on deferred adjudication for offenses against persons, property or public indecency.

## SB 679

**(Eddie Lucio Jr., D-Brownsville) Relating to the administration of certain housing funds by the Texas Department of Housing and Community Affairs. House Sponsor: Davis, Yvonne** — This bill cleans up TDHCA operations language by allowing them to accept gifts and donations, and increases the loan cap from \$30,000 to \$45,000. The bill also states that 45 percent of the funds beyond the \$2.6 million available through the housing trust

funds "as determined on Sept. 1 of each year" be distributed to non-profit organizations and other eligible entities. The bill also establishes that loan recipients provide at least 65 percent of the labor necessary to build or reconstruct a home and that loans shall be secured by a first lien if the loan is the largest secured by the real property.

## SB 768

**(Glenn Hegar, R-Katy) Relating to exemptions from the Texas Structural Pest Control Act. House Sponsor: Homer** — This bill lists several activities that are performed without the use of pesticides to remove or prevent infestation by nuisance animals or other pests and therefore can be done without a license. Activities include physical removal, removal by mechanical means, installation of a physical barrier and the use of a raptor to control or relocate birds. The person performing these activities has to provide information to the customer that informs them of their rights under the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code) and also provide contact information for the consumer protection division of the office of the attorney general. Failure to provide this notice can result in an administrative penalty.

## SB 771

**(Tommy Williams, R-The Woodlands) Relating to the determination of the value of property for ad valorem tax purposes, including appeals through binding arbitration of appraisal review board orders determining protests of property value determinations; providing penalties. House Sponsor: Otto** — This bill states that if a property's appraisal is determined to be lower under Subtitle F (Remedies) of the Tax Code, that is considered to be the value for the year. A chief appraiser may not increase the appraised value by a percentage greater than the average percentage for the next year unless there is substantial supporting evidence. A sale of real property cannot be used as comparable sales data unless the sale was made within 24 months. The bill also clarifies how agricultural land is appraised during a temporary cessation. The bill explains the process a property owner would go through should they qualify and choose to appeal their appraisal using binding arbitration.

## SB 820

**(Robert Duncan, R-Lubbock) Relating to the adoption and amendment of model building codes by municipalities. House sponsor: Menendez** — This bill applies to a municipality with a population of 100,000 or more. The bill provides that three weeks before a city takes action on building codes, it must announce the proposed action on its Web site and take efforts to encourage public input. If five or more persons want a special public hearing on the matter, the city must hold one no sooner than two weeks before the city council takes any actions. If a city already has an advisory board or similar entity used to elicit public comments, the rules do not apply. Any code actions taken, including code amendments, require cities to wait 30 days before implementing the code changes.

## SB 1299

**(Kirk Watson, D-Austin) Relating to the regulation of storm water management by certain counties. House Sponsor: Rodriguez** — Chapter 573 (Authority of Certain Counties and Districts to Regulate Stormwater Management) of the Local Government Code authorizes Harris County and Bexar County to assess fees associated with development compliance with a Storm Water Management Program. This bill adds Travis County to that list of counties.

## SB 1609

**(Glenn Hegar, R-Katy) Relating to the control of access to state highways by the Texas Department of Transportation. House Sponsor: Callegari** — The bill would amend the Transportation Code to require the Texas Transportation Commission to adopt rules to provide procedures for appealing a decision by a Texas Department of Transportation (TxDOT) district office to deny access to a specific location on a controlled access highway, including procedures that allow an applicant to appeal the denial to the design division of TxDOT; grant the requested access to the applicant if the appeal is not decided before the 91st day after the appeal was filed; allow the applicant to appeal the decision of the design division to the executive director of TxDOT; and, if the decision is affirmed, to a board of variance appointed by the executive director.

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**SB 1715**

**(Royce West, D-Dallas) Relating to the requirements for a smoke detector in multifamily residential units. House Sponsor: Giddings** — This bill amends the Property Code by requiring a smoke alarm in multi-family units that is audible to a person with normal hearing. If requested by a tenant as an accommodation for a person with a hearing impairment, a smoke detector must be installed that alerts a person with hearing impairments.

**SB 1717**

**(Royce West, D-Dallas) Relating to owners of developments supported with low-income housing tax credit allocations and of housing sponsors of certain multi-family housing developments. House Sponsor: Davis, Yvonne** — This bill requires that multi-family housing developments that receive financial assistance from the state or federal government submit quarterly reports to the department that identifies the number of vacant units and the number of days the unit has been vacant. The department shall provide to each member of the legislature, upon request, a report that disaggregates the information by zip code in the member's district. The bill further provides that a tax credit allocation devolvement owner may not lock out a person unless by judicial process or seize personal property unless by judicial process.

**SB 1918**

**(West, D-Dallas) Relating to disclosure of certain information by a property owners' association. House Sponsor: England** — This bill requires a POA to deliver requested resale certificates within seven days. An updated resale certificate must also include the right of first refusal of the sale, status of unpaid assessments and any other changes to the information provided in the certificate. A request for an updated resale certificate must be made within 180 days of requesting the original resale certificate.

**SB 1919**

**(Royce West, D-Dallas) Relating to the requirements for recording a property owners' association management certificate. House Sponsor: England** —

A purchaser, lender or title insurance company is not liable for pre-closing delinquent assessments to the POA if the POA fails to record a management certificate. A lien by a POA that failed to file a management certificate in order to secure an amount due on the effective date of the transfer is only enforceable to amounts incurred after the effective date of the sale. This bill also expands the list of items to be included in a management certificate.

**SB 1945**

**(Royce West, D-Dallas) Relating to the issuance of a citation to an owner of real property for a violation of a county or municipal rule or ordinance. House Sponsor: Deshotel** — This bill would allow employees of the owner of real property, or managers of real property, to not be held responsible for ordinance or county/municipal rule violations if they give the authorities the property owner's current street address within five calendar days of the citation.

**SB 2534**

**(Jeff Wentworth, R-San Antonio) Relating to the creation of an interagency task force on economic growth and endangered species; providing information and direction regarding endangered species issues in certain areas of the state. House Sponsor: Corte** — SB 2534 creates a task force on economic growth and endangered species composed of the comptroller of public accounts, the commissioner of agriculture, the executive director of the Parks and Wildlife Department, the executive director of the Texas Department of Transportation, and the executive director of the State Soil and Water Conservation Board. The functions and duties of the task force include assessing the economic impact on the state of federal, state or local regulations relating to endangered species; assisting landowners to identify, evaluate, and implement cost-efficient strategies for mitigation of impacts to and recovery of endangered species that will promote economic growth and development in this state; and facilitate state and local governmental efforts to effectively implement endangered species regulations in a cost-efficient manner.

The bills allows the task force, if requested by a local government or state

official, to review state and local governmental efforts to address endangered species issues and provide recommendations to make those efforts more cost effective. It authorizes the comptroller, with the advice of the task force, to create advisory committees to assist the task force with its work. The members of an advisory committee are as follows: one-third are representatives of affected landowners, one-third are representatives of conservation interests, and one-third are representatives of municipalities or other affected jurisdictions.

SB 2534 requires the comptroller to create an advisory committee to assist the task force in identifying cost-efficient and effective recommendations for economic development and Endangered Species Act enforcement in the Camp Bullis area. It requires the task force, with input from the advisory committee, to provide a recommendation on a specific coordination program of work to assist Camp Bullis in accomplishing its training missions in a manner consistent with applicable endangered species regulations and programs. It further requires the task force to provide a report to the legislature on the activities of the task force and the status of efforts to mitigate harm to and efforts toward recovery of endangered species at Camp Bullis.

**SB 2553**

**(Glenn Hegar, R-Katy) Relating to the regulatory authority of counties, including granting certain counties authority to regulate the cutting of certain trees; providing a penalty. House Sponsor: Morrison** — SB 2553 applies to Aransas County. The bill authorizes the commissioners court of Aransas County to prohibit or restrict the clear-cutting of live oak trees in the unincorporated area of the county. An offense is a Class C misdemeanor punishable by a fine not to exceed \$500. It further authorizes the county attorney, or an attorney representing the county, to file an action in district court to enjoin a violation or threatened violation of an order adopted under this section. The bill authorizes the court to grant appropriate relief.

To further research these bills, please visit the Texas Legislature Online at <http://www.capitol.state.tx.us/>. You may also contact the TAB Government Relations staff at (800) 252-3625. ■