



**LEGISLATIVE UPDATE:
SIGNIFICANT BILLS OF THE 87TH TEXAS LEGISLATURE, REGULAR SESSION
AFFECTING REAL ESTATE, LENDING
AND OTHER COMMERCIAL MATTERS**

REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE
REAL ESTATE, PROBATE AND TRUST LAW SECTION
STATE BAR OF TEXAS
FINAL REPORT

JUNE 2021

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I. INTRODUCTION

This is the final report of the Real Estate Legislative Affairs Committee of the Real Estate, Probate and Trust Law Section of the State Bar of Texas (“**RELACs**”). This report summarizes significant bills passed during the Regular Session of the 87TH Texas Legislature affecting real estate, mortgage lending, and other business and commercial issues of interest to Texas real estate law practitioners.

During the Session, Texans’ elected representatives introduced 7,148 bills. Among those bills, RELACs identified over 1,800 to track throughout the Session. From among the bills that were being tracked and passed, RELACs chose for inclusion in this report 206 bills that were believed would be of general interest to practitioners of Texas real estate law.

This report categorizes bill summaries by code in alphabetical order. Some bills may be broad enough in scope to justify placement under multiple codes and/or under multiple titles within a code; however, in the interest of brevity, each bill summary appears in this report only once under the primarily affected code and title. Consequently, we encourage the reader to carefully review the entire report to ensure recognition of every bill of relevance to a particular topic.

Bill captions in this report are copied from the actual legislation. However, neither the bill caption, nor RELACs’ general summary can address all relevant aspects of each bill. Rather, this report serves only to alert the reader to each bill’s general scope and effect. The reader must choose which bills, if any, merit closer scrutiny for their potential effect on his or her practice.

II. EFFECTIVE DATES

Pursuant to Section 39, Article III, of the Texas Constitution, the effective date of acts without specific effective dates (and without provisions for immediate effect) passed by the Legislature in regular session is ninety-one days after adjournment of the regular session. For the 87TH Legislature’s Regular Session this date is Monday, August 30, 2021. If, however, a bill has a provision for immediate effect and is passed by

a two-thirds majority in each of the House and Senate, then the bill becomes law immediately upon: (a) the date the Governor signs it, (b) the date the Governor files it with the Secretary of State (with neither signature, nor veto), (c) in the absence of signing or filing, the date the deadline for gubernatorial action expires, or (d) if the Governor vetoes the bill, the date the Legislature overrides the veto.

To reduce the potential for confusion and uncertainty as to effective dates, this report states the earliest effective date for each summarized bill as reported by the Texas Legislative Service on its website. RELACs advises the reader to review these effective dates because a substantial number of bills included in this report have effective dates prior to August 30, 2021. Note as well that different portions of a bill may have different effective dates and the summaries in this report do not necessarily indicate all effective dates within a bill.

III. INTERNET RESOURCES

Bills from the 87th Texas Legislature can be accessed the official website for the Texas legislature at:

<http://www.capitol.state.tx.us/>.

Additionally, this report hyperlinks each bill summary to the final, enrolled version of the bill as posted on the Texas Legislature’s website. Simply right-click on the bill number, choose “Open Hyperlink” from the drop-down menu, and the enrolled bill will appear in your web browser.

IV. ACKNOWLEDGMENTS

RELACs is almost entirely dependent on volunteer efforts from real estate lawyers across the State. Without these lawyers' collective efforts, this report would not be feasible.

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Jack Miller Law, PLLC
Houston

CHAIR

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V. **SUMMARIES OF NEW
LEGISLATION**

AGRICULTURE CODE

Title 7. Soil & Water Conservation

[Senate Bill 1118](#)

Relating to the creation and administration of the On-The-Ground Conservation Program by the State Soil and Water Conservation Board.

Amends Agriculture Code Chapter 201 to add Subsection J

Author: Johnson Sponsor: Wilson

Creates the On-The-Ground Conservation Program to facilitate priority conservation measures and other soil and water conservation land improvement measures by landowners and operators. Permits program to provide technical assistance, cost-sharing assistance, and direct grants. Permits the State Soil and Water Conservation Board to designate priority conservation measures to improve soil, mitigate soil erosion, restore damaged land, and sequester carbon.

Effective Date: September 1, 2021

[Senate Bill 634](#)

Relating to the confidentiality of the identity of certain landowners who participate in the Soil and Water Conservation Board program to manage or eradicate an invasive species.

Amends Agriculture Code to add Section 201.007

Author: Kolkhorst Sponsor: Anderson

Provides confidentiality to a landowner who participates in program to manage or eradicate an invasive species and therefore not subject to Chapter 552, Government Code, which addresses public information. Receipt of direct payment of state money under a contract with the State Board to manage or eradicate an invasive species exempts the landowner from confidentiality.

Effective Date: September 1, 2021

BUSINESS AND COMMERCE CODE

**Title 4. Business Opportunities &
Agreements**

[Senate Bill 219](#)

Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property or of a road or highway.

Amends Business and Commerce Code by adding Sections 59.001-59.052

Author: Hughes Sponsor: Leach

Provides that contractors are not liable for design defects in (and may not warranty the accuracy or suitability of) plans, specifications, or other design documents provided to the contractor by a person other than the contractor's agents. Applies to the construction of improvements to real property, including additions to improvements and repair, alteration, or remodeling of improvements (exempts contracts for construction or repair of "critical infrastructure" facilities, certain design-build contracts, and certain engineering, procurement and construction contracts). The statute imposes an affirmative duty for contractors to disclose in writing to their customers any defect, inaccuracy, or insufficiency a contractor discovers (or reasonably should have discovered) in the course of construction. Imposes the same standard of care on design services as is found in Section 130.0021 of the Civ. Prac. & Rem. Code and amends that section to provide that any attempt to contractually establish a different

standard of care is void. Applies to contracts entered into on or after the Effective Date.

Effective Date: September 1, 2021

Title 5. Regulation of Businesses & Services

Senate Bill 398

Relating to certain resources and facilities for distributed generation.

Amends Business and Commerce Code by adding Chapter 113; Amends Utility Code by adding Section 35.037

Author: Menendez Sponsor: Deshotel

Provides that a seller or lessor who enters into a purchase, lease, or power purchase agreement with a residential or small commercial customer for the operation of a distributed renewable generation resource must provide the customer certain disclosures in writing. Imposes limits on a municipality's ability to prohibit or restrict the installation of solar energy devices by residential or small commercial customers. The Bill also adds Section 35.037 to the Utilities Code, which applies to distributed generation facilities owned by customers involved in the food supply chain and which are located in the ERCOT region in areas where retail choice has not been implemented. The amendments require municipally owned utilities and electric cooperatives to supply and purchase power (through interconnection agreements) under various circumstances.

Effective Date: September 1, 2021

House Bill 390

Relating to requirements for human trafficking awareness and prevention in commercial lodging establishments; authorizing a civil penalty.

Adds Business and Commerce Code Sections 114.0001-114.0104

Author: Thompson Sponsor: Huffman

Requires hotels (and other commercial lodging establishments with more than 10 rooms) to put all employees through an approved training program designed to identify and prevent human trafficking. Also requires those establishments to post pre-approved signs regarding human trafficking. Authorizes civil penalties for non-compliance.

Effective Date: January 1, 2022

Senate Bill 291

Relating to the posting of certain project information at a commercial building construction site.

Amends Business and Commerce Code by adding Section 116.0001 et seq.

Author: Schwertner Sponsor: Bucy

Requires that a developer, upon commencement of construction on a commercial building construction site, visibly post a sign that contains the name and contact information of the developer and a brief description of the project.

Effective Date: September 1, 2021

House Bill 876

Relating to fees charged by certain persons for the method used for payments made under an agreement.

Amends Business and Commerce Code by adding Section 116.0001 et seq

Author: Craddick Sponsor: Perry

Prohibits the imposition of a fee on a person who elects to receive payments by paper check under an agreement.

Effective Date: September 1, 2021

Title 11. Personal Identity Information

[House Bill 3529](#)

Relating to consent for the use or possession of personal identifying information under the Identity Theft Enforcement and Protection Act.

Amends Business and Commerce Code Section 521.051(a) and adds Section 521.051(a-1)

Author: Meyer Sponsor: Zaffirini

Prohibits the use of a person's identifying information without their consent. Adds that a person may give their "effective consent" to such use, which is defined as consent given by a person legally authorized to act on behalf of the person from whom consent is required. Voids consent if obtained through force or threat, or given by someone with a legal disability.

Effective Date: September 1, 2021

[House Bill 3746](#)

Relating to certain notifications required following a breach of security of compromised data.

Amends Business and Commerce Code Section 521.053 by amending subsection (i) and adding subsection (j)

Author: Capriglione Sponsor: Nelson

In the event of a breach of system security covered by the statute, requires the report to the attorney general to include the number of affected residents that have been sent a disclosure of the breach (by mail or other method) at the time of the report, in addition to other information already required. Requires the attorney general to create and maintain a list of all such notifications on its website for a period of one year.

Effective Date: September 1, 2021

Title 12. Rights & Duties of Consumers & Merchants

[House Bill 2106](#)

Relating to the prevention, identification, investigation, and enforcement of payment card fraud; providing a civil penalty.

Amends various provisions of Business and Commerce Code Chapter 607

Author: Perez Sponsor: Zaffirini

Updates reporting requirements to the state and law enforcement when a credit card skimmer is discovered and provides a new framework for the state to gather and disseminate information on credit card skimmers; Provides for civil penalties for violations.

Effective Date: September 1, 2021

[House Bill 2110](#)

Relating to the automatic transfer of manufacturer's warranties on air conditioning systems conveyed with residential real property.

Amends Business and Commerce Code by adding Chapter 608

Author: Morales Sponsor: Whitmire

Provides that the manufacturer's warranty on an air conditioning system installed on residential real property is automatically transferred to the new record owner upon conveyance of the property. Applies only to warranty agreements entered into or renewed after September 1, 2021.

Effective Date: September 1, 2021

BUSINESS ORGANIZATIONS CODE

Title 1. General Provisions

[House Bill 3131](#)

Relating to the information required to be included in the certificate of formation of a filing entity.

Amends Business Organizations Code, Section 3.005(a)

Author: Cole Sponsor: Hancock

Requires the initial mailing address of the filing entity be included in the certificate of formation.

Effective Date: January 1, 2022

Senate Bill 1203

Relating to business entities.

Amends Business Organizations Code, Sections 1.002(33), (49), and (53), 3.010, 3.060(a), 3.061(a), 3.0611, 3.251, 3.252, 3.255, 6.201(b), 6.202(c), 8.002(a), 8.003, 9.251, 11.001(3), 11.153, 11.254, 21.314(a), 21.551(2), 21.908(a), 22.508(a), 101.052(d), 101.251, 101.451(3), 101.457, and 200.209; Adds Business Organizations Code, Sections 2.115, 3.2535 6.201(b-1), (b-2), (b-3), (b-4) and (b-5), 6.202(c-1), (c-2), (c-3), (c-4), (e), and (f), 8.005, 11.359(c), 21.3521, 101.206(c-1), (c-2), and (g), 153.151(a-1), and 153.210(c), (d), and (e); repeals Business Organizations Code, Sections 3.253 and 3.254

Author: Hancock Sponsor: Turner

Expands the definition of “emergency” and authorizes a business entity to take certain actions during an emergency without regard to certain procedural requirements. Clarifies the effect of written consents. Expands the definition of an “existing claim” by or against a terminated entity to include claims that exist after termination and before the third anniversary of the entity’s termination and not barred by limitations. In the event an entity is reinstated, either by a court’s revocation of termination or reinstatement following a tax forfeiture, the entity’s existence will revert back so that there is no interruption in existence. Provides guidance for conducting shareholder meetings by remote communication. Expands on how companies may determine their liabilities and assets in connection with making distributions. Contains other changes and provisions.

Effective Date: September 1, 2021

Title 3. Limited Liability Companies

Senate Bill 1523

Relating to registered and protected series of domestic limited liability companies; authorizing fees.

Amends Business Organizations Code, Sections 101.601-101.622, 1.002(69-b), 5.001, 5.051, 5.052, 5.053(a), 5.061, 5.062(a), 5.102(a), 5.153(a), 5.301, 11.206, 101.0515, and 101.054(a); adds Business Organizations Code, Sections 101.623-101.636; 1.002(77-a), (78-a), and (79-a), 4.162, and 5.0561; amends Business & Commerce Code, Sections 1.201(b)(27), 9.102(a)(71), 71.002(2), (4), and (9), 71.051, 71.101, 71.102, and 71.103(a); adds Business & Commerce Code, Section 71.003(b-1)

Author: Hancock Sponsor: Turner

Creates the use of “registered series” in limited liability companies and renames the series under existing law a “protected series.” Requires a certificate of registered series to be filed with the secretary of state and designated a registered series. Requires the name of a registered series include the phrase “registered series” or the abbreviation “RS” or “R.S.” Establishes procedures for forming, amending, converting, and terminating a registered series, and related filing fees.

Effective Date: June 1, 2022

**CIVIL PRACTICE AND REMEDIES
CODE**

Title 2. Trial, Judgment, and Appeal

House Bill 3069

Relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.

Amends Civil Practice and Remedies Code, Sections 16.008(a) and (c) and 16.009(a), (c), and (d); adds Civil Practice and Remedies Code, Sections 16.008(a-1) and 16.009(a-1)

Author: Holland Sponsor: Hughes

Lowers limitations period for property damage, personal injury, and wrongful death suits brought by governmental entities against (a) persons who construct or repair an improvement to real property, and (b) registered or licensed architects, engineers, interior designers, and landscape architects who design, plan, or inspect the construction of an improvement to real property, from ten years to eight. Provides for a one-year extension to such limitations period upon delivery of written claim for damages. Maintains ten year limitations for such suits arising out of TxDOT contracts, projects receiving state or federal funds for highways, and mass transportation, and civil works projects.

Effective Date: Immediate

[House Bill 1939](#)

Relating to the limitations periods for certain suits against real estate appraisers and appraisal firms.

Adds Civil Practices and Remedies Code, Section 16.013

Author: Smith Sponsor: Creighton

Establishes statute of limitations on suits relating to real estate appraisals or appraisal reviews that are not an action for fraud or breach of contract to no earlier than (a) two years from which the claimant knew or should have known the facts on which the action is based, or (b) five years after completion of the appraisal review. Adds defined terms relating to appraisals, appraisers, and appraisal firms from Occupations Code.

Effective Date: September 1, 2021

[House Bill 1578](#)

Relating to recovery of attorney's fees in certain civil cases.

Amends Civil Practices and Remedies Code, Section 38.001

Author: Landgraf Sponsor: Hughes

Restricts recovery of attorney's fees from quasi-governmental, religious, and charitable organizations to specific situations enumerated in the statute, such as rendered services. Adds definition for 'organization' from Business Organizations Code, Section 1.002.

Effective Date: September 1, 2021

[House Bill 2416](#)

Relating to the recovery of attorney's fees as compensatory damages for certain claims.

Adds Civil Practice and Remedies Code, Section 38.0015

Author: Gervin-Hawkins Sponsor:
Powell

Allows for the recovery of reasonable attorney's fees as compensatory damages for breach of a construction contract.

Effective Date: September 1, 2021

[House Bill 2086](#)

Relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.

Amends Civil Practice and Remedies Code, Section 51.014(a)

Author: Morales Sponsor: Hughes

Provides that a person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that grants or denies a motion for summary judgement filed by a contractor based on Section 97.002, Civil Practices and Remedies Code (relating to exemption from certain tort liability for contractors working for the Texas Department of Transportation who build roadways in compliance with the contract documents that are material to the condition or defect that was the proximate cause of personal injury, property damage, or death).

Effective Date: Immediate

Senate Bill 6

Relating to liability for certain claims arising during a pandemic or disaster related to a pandemic.

Amends Civil Practice and Remedies Code Section 51.014(a); adds Section 74.155 and Chapter 148, Sections 148.001, 148.002, 148.003, 148.004, and 148.005, Civil Practice and Remedies Code

Author: Hancock

Sponsor: Leach

Provides that a physician, health care provider, or first responder is not liable for claims arising from treatment (or failure to provide treatment) relating to a pandemic disease. Does not extend to claims of recklessness or intentional misconduct. Protections only apply to claims arising during period of disaster as declared by the president of the United States or the governor. Provides liability protections to a person who designs, manufactures, sells or donates certain products (including clothing, medical devices, and vaccines) that are defective or fail to provide adequate instructions regarding the product's use. Does not apply when the person knew of the defect or acted with actual malice and the product presents an unreasonable risk. Provides that a person is not liable for exposing another person to a pandemic disease unless the claimant establishes that (1) the person who exposed the claimant (a) knowingly failed to warn or remediate a condition known to likely expose an individual to the disease, and the person had control over the condition, knew the claimant would likely come into contact with the condition, and had a reasonable opportunity to remediate the condition or warn the claimant before the claimant came into contact with the condition, or (b) knowingly failed to implement or comply with government-promulgated standards, and the person had the ability to implement or comply with such standards but failed to do so, and (2) scientific evidence shows the failure to warn, remediate, or implement such standards actually caused the claimant to contract the disease. Establishes that an educational institution is not liable for damages or monetary relief arising from cancellation of a course if the

cancellation arose during a pandemic emergency and was caused by the emergency.

Effective Date: Immediate

Title 6. Miscellaneous Provisions

House Bill 3416

Relating to disclosures regarding indemnification obligations and insurance coverage in connection with provision of services pertaining to wells or mines by certain subcontractors.

Adds Chapter 127A, Sections 127A.001, 127A.002, 127A.003, and 127A.004, Civil Practice and Remedies Code

Author: Darby

Sponsor: Lucio

Requires placement companies, prior to a subcontractor's placement to perform well or mine services, provide written disclosure to the subcontractor (1) describing the subcontractor's indemnification obligations, (2) describing any insurance policy benefitting the subcontractor, and (3) stating whether any such insurance policy will cover the subcontractor's tort liability and contractual indemnity obligations arising out of the subcontractor's performance of services. Such disclosure must be written in plain language, and provided to the subcontractor as a separate document. Obligates the placement company to notify the subcontractor at least 30 days prior to cancellation or nonrenewal of any insurance policy.

Effective Date: September 1, 2021

House Bill 2116

Relating to certain agreements by architects and engineers in or in connection with certain construction contracts.

Amends heading to Chapter 130, Civil Practice and Remedies Code; adds Sections 130.002(c), (d), (e), and (f), and 130.0021, Civil Practice and Remedies Code; amends Section 130.004, Civil Practice and Remedies Code

Author: Krause

Sponsor: Powell

Renders unenforceable duty to defend provisions contained in contracts for engineering or architectural services. Allows for reimbursement of an owner's reasonable attorney's fees in proportion to the engineer's or architect's liability. Permits an owner the right to require that the engineer or architect name the owner as an additional insured under its insurance coverage. Does not apply to (1) contracts providing for both design and construction services, and (2) covenants to defend against claims of negligent hiring. Requires engineering and architectural service contracts contain a minimum standard of care for performing such services.

Effective Date: September 1, 2021

[House Bill 1493](#)

Relating to the use of an entity name that falsely implies governmental affiliation.

Adds Chapter 150C, Sections 150C.001 and 150C.002, Civil Practice and Remedies Code; adds Sections 5.064 and 5.065, Business Organizations Code

Author: Herrero

Sponsor: Hinojosa

Prohibits the use of an entity name that falsely implies an affiliation with a governmental entity. Permits a governmental unit to enjoin another person's use of an entity name that falsely implies affiliation such governmental unit, and provides civil remedies to the governmental unit. Grants the secretary of state the right, upon a governmental unit's request, to determine if an entity's name falsely implies governmental affiliation, and establishes procedures for prosecuting the violating entity.

Effective Date: September 1, 2021

CONSTITUTION

[Senate Joint Resolution 47](#)

Proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.

Amends Article V, Sections 2(b) and 7 of the Texas Constitution

Author: Huffman

Sponsor: Landgraf

Amends eligibility requirements for a justice or chief justice of the supreme court and a district court judge. Adds requirement that the person's license to practice law has not be revoked, suspended, or subject to a probated suspension. To be eligible for appointment or election as a district court judge, the person must have been a practicing attorney or a judge of a court in the State of Texas for a combined 8 years (up from 4 years).

Effective Date: January 1, 2022, if constitutional amendment approved by voters on November 2, 2021

[House Joint Resolution 125](#)

Proposing a constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

Amends Texas Constitution Section 1-b(d), Article VIII

Author: Ellzey Sponsor: Birdwell

Allows the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the surviving spouse is 55 years of age or older at the time of the person's death. Enacts a temporary provision expiring January 1, 2023, which validates the changes to the law made by Section 1, Chapter 1284 (H.B. 1313 – 86th Legislature) and enables a surviving spouse to receive a refund of ad valorem taxes paid during the 2020 and 2021 tax years if such spouse was entitled to a limitation on school district taxes pursuant to Section 1, Chapter 1284 and an overpayment in ad valorem taxes occurred.

Effective Date: If constitutional amendment approved by voters on November 2, 2021, effective upon certification of the election

results by the governor, which typically occurs in late November or early December.

Senate Joint Resolution 35

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

Amends Article VIII, Section 1-b(m) of the Texas Constitution

Author: Campbell Sponsor: Lopez

Authorizes legislature to allow ad valorem tax exemption of residential homestead property owned by surviving spouse of service member who is killed or fatally injured in the line of duty. Clarifies that such exemption applies where service member is killed in line of duty rather than killed in action.

Effective Date: January 1, 2022, if constitutional amendment approved by voters on November 2, 2021

House Joint Resolution 99

Proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

Amends Texas Constitution Section 1-g(b), Article VIII

Author: Canales Sponsor: Nichols

Authorizes a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county. A county that issues bonds or notes for transportation improvements shall not (1) pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year; or (2) use proceeds from the bonds or notes to finance the construction,

operation, maintenance, or acquisition of rights-of-way of a toll road.

Effective Date: If constitutional amendment approved by voters on November 2, 2021, effective upon certification of the election results by the governor, which typically occurs in late November or early December.

ESTATES CODE

Title 3. Guardianship & Related Procedures

Senate Bill 615

Relating to probate and guardianship matters and proceedings and other matters involving probate courts.

Amends Civil Practice and Remedies Code, Section 30.014(a); amends various provisions of the Estate Code; adds Government Code, Section 25.00231(f); amends Government Code, Section 25.0027; amends Government Code, Section 74.141; amends Government Code, Section 81.114(a); adds Government Code, Section 81.114 (e); amends Government Code, Section 155.205(b)

Author: Zaffirini Sponsor: Leach

Provides that an application for the appointment of a guardian include a detailed description and approximate value of the real property assets belonging to a ward.

Effective Date: September 1, 2021

Senate Bill 626

Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated, probate matters and proceedings, and other matters involving statutory county courts, including statutory probate courts.

Amends various provisions of the Estate Code, Chapters 33, 51, 202, 351, 404, 452, 503, 1021, 1021, 1051, 1052, 1054, 1101, 1103, 1105, 1151, 1153, 1155, 1158, 1163, 1251; amends Government Code, Section 25.0006(a); adds Government Code, Section 25.0006(a-5), adds Government Code, Section 25.00231(f);

amends Government Code, Section 25.0027, amends Government Code, Section 74.141; amends Government Code, Section 81.114(a); adds Government Code, Section 81.114(e); amends Government Code, Section 155.205(b); amends Civil Practice and Remedies Code, Section 30.01(a).

Author: Zaffirini Sponsor: Moody

Requires public auctions of real property conducted by a guardian on behalf of the estate of a ward to be held in the county where such real property is located, or if located in more than one county, in any county where the real property is located, thereby reversing prior statutory venue requiring sales to be held in the county where the guardianship proceeding is held. Permits a court to order that such an auction be held in the county in which the guardianship proceedings are underway if the court deems it prudent, in which case notice of the public auction must be published both in the county where the real property is located and in the county of the guardianship proceedings. Provides that such auction must be conducted either at the courthouse door or at the place specified by the commissioners court of the county pursuant to Section 51.002(a) of the Property Code, which governs the sale of real property under a contract lien. Requires a guardian to file a report with the court, not only when a bid on the real property is made but also if the property is put under contract for a private sale, which must disclose certain general terms of the proposed sale, such as the date of the contract, the name of the purchaser and the sales price.

Effective Date: September 1, 2021

FINANCE CODE

Title 3. Financial Institutions and Businesses

[Senate Bill 43](#)

Relating to residential mortgage loans, including the financing of residential real estate purchases by means of a wrap mortgage loan; providing licensing and registration requirements; authorizing an administrative penalty.

Amends Finance Code, Chapter 156, Section 156.202; adds Finance Code, Chapter 156, Section 156.202, Subsection (b); amends Finance Code, Chapter 157, Section 157.0121; adds Finance Code, Chapter 157, Section 157.0121, Subsection (f); adds Finance Code, Chapter 159; amends Finance Code, Chapter 180, Section 180.003; adds Finance Code, Chapter 180, Section 180.003, Subsection (d)

Author: Zaffirini Sponsor: Ortega

Establishes regulations for certain wrap mortgages on residential real property. Provides that a lien securing a wrap mortgage is void unless closed by a title company or an attorney. Requires wrap lenders to deliver a statutory disclosure statement to wrap borrowers at least seven days prior to the execution of loan agreement. Permits a wrap borrower to rescind the transaction within seven days after its receipt of the disclosure statement, if received prior to closing, and to recover all earnest money, down payments, fees and charges paid with respect to the wrap mortgage loan or purchase. Provides that if a wrap lender fails to provide the disclosure statement, a wrap borrower may rescind the wrap at any time after closing and the statute of limitations for any cause of action of a wrap borrower against a wrap lender in connection with a wrap loan is tolled until the 120th day after the wrap lender provides the wrap disclosure. Entitles a wrap borrower to recover principal and interest paid under the wrap loan, as well as other amounts, requires the wrap borrower to reconvey the real property back to the wrap mortgagee and provides that a wrap mortgage lender can avoid rescission upon repayment of the outstanding debt to the wrap borrower, certain damages and reasonable attorneys' fees. Grants wrap borrowers certain causes of action for violations of this subchapter and sets forth additional protection for wrap borrowers, such as payments under wrap loans being held in trust and certain offset rights of a wrap borrower. Requires wrap lenders and the originators of wrap loans to be licensed under the Residential Mortgage Loan Company Licensing and Registration Act, Mortgage Banker Registration and Residential Mortgage Loan Originator License Act or Chapter 342 of the Finance Code regulating certain consumer

loans, unless otherwise exempt. Indicates that any attempt to waive the rights of a wrap borrower or to exempt a person from liability under this subchapter is void.

Effective Date: January 1, 2022

House Bill 3617

Relating to certain qualifications and requirements for residential mortgage loan companies, the investment and use of excess residential mortgage loan originator recovery fund fees, and the creation of the mortgage grant fund; changing a fee.

Amends Finance Code, Chapter 13, Section 13.016; amends Finance Code, Chapter 156, Section 156.2041; amends Finance Code, Chapter 156, Section 156.2042; amends Finance Code, Chapter 156, Section 156.212; amends Finance Code, Chapter 156, Sections 156.501(b) and (c); amends Finance Code, Chapter 156, Section 156.502; Adds Finance Code, Chapter 156, Subchapter G; amends Finance Code, Chapter 157, Section 157.013(b); repeals Finance Code, Chapter 156, Sections 156.501(d) and (f)

Author: Anchia Sponsor: Zaffirini

Requires the Savings and Mortgage Lending Commissioner to create and maintain a mortgage grant fund to pay for, among other things, damages suffered by victims resulting from fraud committed by residential mortgage loan originators who are not licensed under Chapter 157 of the Finance Code, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act. Expands recovery under Chapter 156, which currently addresses compensation for victims for wrongdoing by residential mortgage loan originators who are licensed under Chapter 157 of the Finance Code.

Effective Date: September 1, 2021

GOVERNMENT CODE

Title 2. Judicial Branch

House Bill 3774

Relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

Adds Government Code, Section 22.042; amends various sections of Government Code, Chapters 24, 25, 26, 29, 51, 52, 54, 61, 62, 64, 72, 124, 154, 434 and 2254; adds Government Code, Section 43.137, Subsections (c) and (d); adds Government Code, Section 45.168; adds Government Code, Chapter 54, Subchapters PP and QQ; adds Government Code, Sections 121.003 and 121.004; adds Government Code, Section 154.105(c), (d), and (e); amends various subsections of Code of Criminal Procedure, Articles 4, 11, 38, 45, and 103; adds Code of Criminal Procedure, Article 38.01, Sections 3-b, 14, and Subdivision (4-a); adds Code of Criminal Procedure, Article 42.25; adds Code of Criminal Procedure, Article 66.252(b-1); amends various sections of Local Government Code, Section 292.001; amends various sections of Family Code, Chapters 51, 107, and 155; adds Family Code, Section 6.712; amends various sections of Estate Code, Chapters 51 and 1051

Author: Leach Sponsor: Huffman

Establishes numerous new judicial districts, county courts, probate courts, and magistrate courts, and changes several existing courts around the state. Authorizes the creation of a public statewide court document database upon order of the Texas Supreme Court. Amends Family and Government Code to provide for transfer of cases between courts by electronic filing system. Amends Civil Practice and Remedies Code to provide for notice and citation for receivership in certain missing persons cases. Requires the Texas Forensic Science Commission to adopt a code of professional responsibility regulating the conduct of forensic analysts. Amends Government Code to authorize judges to spend a “reasonable amount” on meals for jurors

serving in a civil case jury (up from \$3 per meal). Establishes guidelines for appointing a judge or a magistrate who is authorized to hear criminal cases to be appointed to preside over a regional specialty court program, as well as the jurisdictional limits of a judge or magistrate so appointed. Allows protective orders for victims of sexual assault, abuse, stalking, or trafficking to be included in the statewide online protective order registry. Revises numerous provisions regarding the certification, appointment, and compensation of court reporters in civil and criminal cases.

Effective Date: September 1, 2021

[House Bill 1831](#)

Relating to annual continuing education requirements for certain court clerks.

Adds Section 51.605(d), Government Code

Author: Rogers Sponsor: Buckingham

Permits a clerk to carry over from the current calendar year to the following calendar year not more than 10 hours of completed continuing education courses that exceed the number of hours of completed continuing education courses required annually.

Effective Date: Immediate

[Senate Bill 692](#)

Relating to access to certain financial records by the guardianship abuse, fraud, and exploitation deterrence program.

Amends Section 72.121(1), Government Code; adds Sections 72.121(1-a), (1-b), and (3), and 72.1221, Government Code

Author: Zaffirini Sponsor: Smithee

Requires a financial institution, to extent allowed by applicable law, to provide the program upon request with access to certain financial records of a ward or the ward's estate.

Effective Date: Immediate

[House Bill 2950](#)

Relating to the composition of and actions transferred by the judicial panel on multidistrict litigation.

Amends Sections 74.161(a) and 74.1625(a), Government Code

Author: Smith Sponsor: Huffman

Authorizes the supreme court (not just the chief justice) to designate the judicial panel on multidistrict litigation. Permits active, former, or retired court of appeals justices or active administrative judges to be members of the panel. Prohibits the panel from transferring an action brought by the consumer protection division of the attorney general's office.

Effective Date: Immediate

Title 3. Legislative Branch

[Senate Bill 713](#)

Relating to the sunset review process and certain governmental entities subject to that process.

Amends Government Code Sections 325.0125, 325.017, 325.025, 481.003, 751.003, 1232.072, 2306.5521; Health and Safety Code Sections 691.003, 102.003, 771.032; Insurance Code Sections 31.004, 501.003; Labor Code Section 404.003; Occupations Code Sections 51.002, 1101.006, 1103.006, 1701.002, 2021.008; Utilities Code 12.005, 13.002. Repeals Education Code Section 88.1016, Government Code Sections 531.0206 and 531.102

Author: Buckingham Sponsor: Cyrier

Extends sunset provisions for several state bureaus from 2021 to 2023, 2025, 2027, 2029 or 2031. Extends sunset provision for Texas Commission of Licensing and Regulation and Texas Department of Licensing and Regulation to September 1, 2023. Extends sunset provision for Texas Public Finance Authority and Texas State Affordable Housing Corporation to September 1, 2027. Extends sunset provision for Texas Real Estate Commission and Texas

Appraiser Licensing and Certification Board to 2031.

Effective Date: Immediate

House Bill 4294

Relating to the organization and efficient operation of the legislative branch of state government through joint entities.

Adds Government Code, Section 301.305; amends Government Code, Section 326.001; adds Government Code, Section 326.002(c); amends and redesignates various sections, Government Code, Chapters 329 and 762

Author: Metcalf Sponsor: Hancock

Designates that a statutory joint committee member's per diem and travel expenses are to be paid by the house which the member belongs. Assigns payment of public member's per diem and travel expenses to the office of the appointing entity. Excludes the Texas Ethics Commission from the definition of "legislative agency" in Government Code, Section 326.001, relating to cooperation between legislative agencies. Allows the Texas Legislative Council to transfer money to other legislative agencies to cover expenses. Increases the number of members of the Commission on Uniform State Laws by adding two members appointed by each of the lieutenant governor, speaker of the house, and including the chairs of the standing committees of the House and Senate with primary jurisdiction over uniform state laws. Transfers Government Code, Chapter 762 to Government Code, Chapter 329.

Effective Date: Immediate

Title 4. Executive Branch

Senate Bill 1245

Relating to the farm and ranch survey conducted by the comptroller for purposes of estimating the productivity value of qualified open-space land as part of the study of school district taxable values.

Amends Government Code, Subchapter M, Chapter 403, by adding Section 403.3022

Author: Perry Sponsor: Murr

Requires the comptroller to conduct an annual farm and ranch survey for purposes of estimating the productivity value of qualified open-space land as part of a study relating to the determination of school district property values. Requires comptroller to prepare and issue an instructional guide to assist individuals in completing the farm and ranch survey. Provides other details related to the required instructional guide.

Effective Date: September 1, 2021

House Bill 3584

Relating to monuments, markers, medallions, and antiquities controlled by or in the custody of the Texas Historical Commission, authorizing civil penalties.

Adds Government Code, Sections 442.006(i) and (j); amends Government Code, Section 442.011

Author: Murr Sponsor: Buckingham

Prohibits the alteration, removal, or concealment of historical markers and other monuments installed by the Texas Historical Commission (THC) without written consent of the THC. Authorizes the attorney general to file suit to enjoin violations and recover civil penalties from violators. Waives governmental immunity to suit for violations by any county, municipality, or political subdivision. Expands civil penalties to allow for separate violations for each day that a violation continues or, if the same violation occurred on multiple days, on each intervening day between the first and last violation.

Effective Date: September 1, 2021

Senate Bill 1269

Relating to the main street program administered by the Texas Historical Commission.

Amends Government Code, Chapter 442, Section 442.014.

Author: Whitmire Sponsor: King

Expands the Main Street Program, which assists communities with development and preservation of central business districts, to include historic neighborhood commercial districts.

Effective Date: September 1, 2021

House Bill 3271

Relating to establishing loan programs to assist certain micro-businesses by increasing access to capital; authorizing fees.

Amends various sections of Government Code, Chapters 481 and 489; adds Government Code, Chapter 481, Sections 481.401(6-a), 481.403, and Subchapter CC, Sections 481.451 through 481.458; amends heading to Government Code, Subchapter BB.

Author: Ordaz-Perez Sponsor: Button

Establishes a micro-business recovery fund as a dedicated account in the general revenue fund. Requires the Texas Economic Development Bank create micro-business disaster recovery and access to capital programs to make loans to micro-businesses in need of capital following a declared disaster. Requires the Executive Director of the Texas Economic Development and Tourism Office to adopt rules to implement the programs (see also Senate Bill 1465).

Effective Date: Immediate

House Bill 5

Relating to the expansion of broadband services to certain areas.

Amends Government Code, Chapter 490, Section 490H.002; Amends Government Code, Chapter 490, Section 490H.003, Amends Government Code, Chapter 490, Section 490H.004(b), adds Government Code, Chapter 490, Section 490H.004 (c) and (d); Adds Government Code, Chapter 490I.

Author: Ashby Sponsor: Nichols

Creates the Broadband Development Office, which is responsible for establishing and

maintaining a state-wide initiative for access, affordability and deployment of broadband services. Tasks the Broadband Development Office to create and award financial assistance and incentives for the development, expansion and affordability of broadband services within certain areas where less than 80% of addresses have access to broadband services and are not receiving federal assistance for the deployment of such services. Requires the Broadband Development Office to create, maintain and publish on the comptroller's website a map designating areas of the state that are eligible or ineligible for state financial assistance for broadband services, along with additional information, such as the number of broadband service providers in each area, the availability of internet service to such areas and whether public schools in each area have broadband access. Directs the Broadband Development Office to collect data about broadband connectivity in the State and to foster the expansion and affordability of broadband in certain communities and to monitor and participate in federal programs relating to the provision of broadband in the state. Expands the duties of the Governor's Broadband Development Council to monitor the progress of the deployment of broadband to residential customers and patterns and discrepancies in access to broadband services.

Effective Date: Immediate

Title 5. Open Government; Ethics

House Bill 1154

Relating to the requirements for meetings held and Internet websites developed by certain special purpose districts.

Amends Government Code, Sections 403.0241(c) and 551.1283; amends and redesignates Government Code, Chapter 2051, Subchapter F; amends Water Code, Sections 49.062(b) and 49.0631; adds Water Code, Section (b-1)

Author: Jetton Sponsor: Kolkhorst

Requires certain special purpose districts to disclose financial and operating information on

an Internet website maintained by the district or on websites used by the district to comply with other laws. Requires a water or sewer district to disclose website information on the customer's water bill. Establishes meeting requirements for "rural area districts" providing water and sewer services.

Effective Date: September 1, 2021

[Senate Bill 244](#)

Relating to the application of the open meetings law to the board of directors of certain tax reinvestment zones.

Amends Government Code, Section 551.001(3)

Author: Bettencourt Sponsor: Campos

Amends the definition of "governmental body" in the Texas Open Meetings Act to include a board of directors of a reinvestment zone created under Chapter 311 of the Tax Code.

Effective Date: September 1, 2021

[Senate Bill 1343](#)

Relating to certain meetings of a commissioner's court during a disaster or emergency.

Adds Government Code, Section 551.091

Author: Taylor Sponsor: Bonnen

Authorizes a county commissioners court to hold an open or closing meeting, including a conference call, to discuss immediate actions needed to protect its citizens during a disaster or emergency. Applies only when (i) the county is under a state of emergency or disaster declared by the governor, and (ii) transportation to a meeting location is dangerous as a result of the emergency or disaster. Requires meeting minutes or a recording be made available to the public as soon as practicable.

Effective Date: September 1, 2021

[House Bill 872](#)

Relating to the disclosure of certain utility customer information.

Adds Government Code, Section 552.1331; amends Utilities Code, Section 182.052; amends Water Code, Section 13.043(b-2); repeals Utilities Code, Section 182.053

Author: Bernal Sponsor: Menendez

Exempts customer information maintained by a government-operated utility from a Public Information Act request if the information (1) is collected as part of an advanced metering system related to utility usage, or (2) discloses whether an account is delinquent or services have been disconnected. Amends the requirements related to the disclosure of customer information by a government-operated utility.

Effective Date: Immediate

[Senate Bill 1225](#)

Relating to the authority of a governmental body impacted by a catastrophe to temporarily suspend the requirements of the public information law.

Amends Government Code, Section 552.233; adds Government Code, Section 552.2211

Author: Huffman Sponsor: Paddie

Amends the temporary suspension provision under the Public Information Act ("PIA") for a governmental body impacted by a catastrophe. Redefines "catastrophe" as an event that significantly impacts a governmental body and directly causes the inability to comply with a PIA request. Clarifies "catastrophe" does not include a period in which the governmental office is closed, but the staff is working remotely with electronic access to information needed to respond to a PIA request. Adds suspension and extension period limits with respect to a single catastrophe.

Effective Date: September 1, 2021

Title 9. Public Securities

[House Bill 3717](#)

Relating to the sale of a water or sewer utility system by a municipality without an election.

Amends Government Code Section 1502.055

Author: Burns Sponsor: Lucio

Allows a municipality to bypass an election to sell a utility system that has received a notice of violation from the Texas Commission on Environmental Quality (TCEQ). While generally required to hold an election to sell a utility system, park, or pool, this would not require it should the TCEQ issue “a notice of violation to the utility system and the governing body of the municipality finds by official action that the municipality is either financially or technically unable to restore the system to compliance with the applicable law or regulations.”

Effective Date: September 1, 2021

Title 10. General Government

[House Bill 1322](#)

Relating to a summary of a rule proposed by a state agency.

Amends Government Code, Section 2001.023

Author: Shaheen Sponsor: Zaffirini

Requires a state agency to publish a short summary of a rule proposed for adoption on the agency’s website concurrently with filing notice with the secretary of state.

Effective Date: September 1, 2021

[Senate Bill 157](#)

Relating to eminent domain requirements for certain entities.

Amends Government Code Section 2206.154 to add subsections (b-1) and (b-2)

Author: Perry Sponsor: Craddick

Requires annual eminent domain report by political subdivision to comptroller only if information has changed from the information reported in the most recent report. Change only

applies to public school district, municipality, or county with a population less than 25,000.

Effective Date: September 1, 2021

[Senate Bill 424](#)

Relating to state agency enforcement of laws regulating small businesses.

Adds Government Code, Section 2006.003

Author: Hinojosa Sponsor: Hunter

Prohibits a state agency with regulatory authority over a small business from imposing an administrative penalty for a first violation of a statute or regulation without first providing the small business written notice and an opportunity to remedy the violation--but does not apply to actions “to protect public health and safety or the environment,” certain financial regulatory actions or TWC actions “to conform to or comply with federal law.”

Effective Date: September 1, 2021

[Senate Bill 475](#)

Relating to state agency and local government information management and security, including establishment of the state risk and authorization management program and the Texas volunteer incident response team; authorizing fees.

Adds and amends various sections of Government Code, Chapter 2054; adds Government Code, Chapter 2059, Subchapter E; adds Government Code, Chapter 2062

Author: Nelson Sponsor: Capriglione

Establishes policies and programs to improve the state’s information management and security standards, including: (1) a data management advisory committee, (2) a state risk and authorization management program, (3) a volunteer cybersecurity incident response

team, (4) regional network security centers, and (5) restrictions on state agency use of certain individual-identifying information. Contains many other provisions.

Effective Date: Immediate (but September 1, 2021 for new Chapter 2062, regarding individual-identifying information)

[House Bill 692](#)

Relating to retainage requirements for certain public works construction projects.

Amends Government Code Sections 2252.031, 2252.032, 2252.033

Author: Shine Sponsor: Creighton

Defines warranty period and clarifies a governmental entity's retainage requirements including when it can and cannot withhold retainage. Stipulates parameters for a prime contractor's contract with a subcontractor for work performed under a public works contract.

Effective Date: Immediate

[House Bill 1428](#)

Relating to procurement by a political subdivision of a contingent fee contract for legal services.

Amends Government Code Section 2254.102

Author: Huberty Sponsor: Huffman

Excludes legal contingency fee agreements related to political subdivision collections from certain government oversight requirements.

Effective Date: September 1, 2021

[House Bill 2581](#)

Relating to civil works projects and other construction projects of governmental entities.

Amends Government Code Sections 2269.056, 2269.060, 2269.153, 2269.155, 2269.452

Author: Kacal Sponsor: Hancock

Allows a respondent to a government construction project request for qualifications to request the entity's evaluation forms related to selection of a contractor. Details how the government entity must weigh value in its evaluation criteria.

Effective Date: September 1, 2021

[Senate Bill 2046](#)

Relating to a compliance history assessment made for purposes of allocating certain financial assistance administered by the Texas Department of Housing and Community Affairs.

Amends Government Code Section 2306.057

Author: Menéndez Sponsor: Gervin-Hawkins

Specifies what may be disclosed by governing board of Texas Department of Housing and Community Affairs related to the so-called compliance assessment prior to the board approving projects, particularly in instances of noncompliance if project was delegated to another entity.

Effective Date: September 1, 2021

[House Bill 2893](#)

Relating to the establishment by the Texas Department of Housing and Community Affairs of colonia self-help centers in certain counties and to the representation of those counties on the Colonia Resident Advisory Committee.

Amends Government Code Sections 2306.582, 2306.584

Author: Herrero Sponsor: Hinojosa

Adds Nueces County to list of counties where Texas Department of Housing and Community Affairs may establish a self-help center. Increases number of representatives on advisory council.

Effective Date: September 1, 2021

[House Bill 1301](#)

Relating to services provided by colonia self-help centers and a study on colonias in this state.

Amends Government Code Section 2306.586

Author: Guillen Sponsor: Zaffirini

Expands purpose of so-called self-help centers to include “improve living conditions.” Authorizes self-help centers to help individuals secure employment, loans for small businesses and manage finances.

Effective Date: September 1, 2021

[House Bill 1558](#)

Relating to the system by which an application for a low income housing tax credit is scored.

Amends Government Code Section 2306.6710

Author: Button Sponsor: Johnson

Provides preference for veterans seeking low-income housing in a development located within two miles of a veterans hospital, veterans medical center or veterans health care center in counties with a population of between 1 million to 4 million people.

Effective Date: September 1, 2021

[Senate Bill 403](#)

Relating to a right of first refusal applicable to the sale of housing developments that have received certain financial assistance administered by the Texas Department of Housing and Community Affairs.

Amends Government Code Section 2306.6726

Author: Johnson Sponsor:
Gervin-Hawkins

Expands types of entities the owner of certain low-income housing developments can sell to during statutory right of first refusal period.

Effective Date: September 1, 2021

[Senate Bill 1090](#)

Relating to certain regulations adopted by governmental entities regarding land use restrictions and building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

Amends Government Code Sections 3000.002, 3000.004, Local Government Code Section 212.151

Author: Buckingham Sponsor: Murr

Allows governmental entities that wish to become “certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program” to impose regulations on residential and commercial construction that would otherwise be prohibited.

Effective Date: September 1, 2021

HEALTH & SAFETY CODE

Title 4. Health Facilities

[House Bill 1681](#)

Relating to the construction of certain assisted living facilities located within a floodplain in certain counties.

Adds Health and Safety Code, Section 247.0251

Author: Harless Sponsor: Alvarado

Prohibits the construction of new assisted living facilities in the 100-year floodplain in counties with populations equal to or greater than 3.3 million. Provides that new prohibition does not apply to expansions or renovations of existing facilities.

Effective Date: September 1, 2021

Title 5. Sanitation & Environmental Quality

[House Bill 3215](#)

Relating to energy efficiency building standards.

Amends Health and Safety Code, Section 388.003

Author: Geren Sponsor: Hughes

Adds compliance with certain sections of the 2018 International Energy Conservation Code and ANSI/RESNET/ICC 301 as additional standards for determination of whether or not a building complies with energy efficiency requirements. Amends other metrics for compliance. Extends sunset provision for Section 308.003(j) from September 1, 2025 to September 1, 2031.

Effective Date: September 1, 2021

Senate Bill 905

Relating to guidance on the regulations applicable to the potable reuse of wastewater.

Adds Health and Safety Code, Section 341.0391

Author: Perry Sponsor: Frank

Requires the Texas Health and Human Services Commission to develop a regulatory guidance manual to explain rules that apply to reuse of potable water and make the manual available to the public. Defines “direct potable reuse” as treated reclaimed municipal wastewater introduced directly into a public water system or introduced into a water supply immediately before entering a drinking water treatment plant.

Effective Date: September 1, 2021

House Bill 2708

Relating to the use of certain fees deposited to the hazardous and solid waste remediation fee account for reimbursement of environmental remediation at certain former battery recycling facility sites.

Adds Health and Safety Code, Section 361.133(c)-(1)

Author: Patterson Sponsor: Paxton

Expands the availability of funds to reimburse for environmental remediation at certain battery recycling facility sites. Provides a sunset provision with an end date of September 1, 2027.

Effective Date: Immediate

House Bill 1680

Relating to the regulation of on-site sewage disposal systems on certain leased land that is owned by the federal government.

Adds Health and Safety Code, Section 366.006

Author: Smith Sponsor: Springer

Revises for land owned by the federal government that contains separately leased parts that each leased part is considered a separate tract for purposes of Chapter 366.

Effective Date: September 1, 2021

House Bill 1284

Relating to the regulation of the injection and geologic storage of carbon dioxide in this state.

Amends Health and Safety Code, Section 382.501

Author: Paddie Sponsor: Hancock

Gives jurisdiction for regulation and enforcement of rules relating to carbon dioxide injection wells from the Texas Commission on Environmental Quality to the Railroad Commission of Texas. Incorporates enforcement mechanisms found in Water Code, Chapter 27 and provides that penalties collected under this section are to be part of the anthropogenic carbon dioxide storage trust fund. Expands applicability of the section to cause the inclusion of both onshore and offshore injection and geologic storage sites.

Effective Date: Immediate

Senate Bill 1210

Relating to substitutes for hydrofluorocarbon refrigerants applicable to commercial or residential buildings or construction.

Adds Health and Safety Code, Section 382.551

Author: Johnson Sponsor: Oliverson

Provides that building codes, or other commercial and residential building requirements, may not prohibit the use of a substitute refrigerant that is authorized pursuant to 42 U.S.C. Section 7671k.

Effective Date: January 1, 2023

Title 6. Food, Drugs, Alcohol, & Hazardous Substances

Senate Bill 617

Relating to the regulation of certain direct sales of food to consumers and a limitation on the fee amount for certain permits.

Amends Health and Safety Code, Section 437.0065

Author: Kolkhorst Sponsor: Wilson

Expands the statute to allow a person who grows, raises, processes, prepares, manufactures, or otherwise adds value to a food product (excluding persons who only package or repackage food) to obtain a permit under the provisions of the chapter relating to vendors who sell directly to consumers at farmer's markets and similar venues; limits fees that can be charged for permits and provides recourse for excess fees against governmental entities.

Effective Date: Immediate

Title 8. Death & Disposition of the Body

House Bill 1526

Relating to cemeteries in certain municipalities.

Amends Health and Safety Code, Section 711.008

Author: Kuempel Sponsor: Campbell

Provides process to obtain an exemption from the ban on cemeteries within municipal boundaries.

Effective Date: Immediate

House Bill 1571

Relating to an exemption for certain cemeteries from cemetery location restrictions.

Amends Health and Safety Code, Section 711.008

Author: Munoz Sponsor: Hinojosa

Defines which cemeteries are exempt from the ban within a municipality.

Effective Date: September 1, 2021

INSURANCE CODE

Title 2. Texas Department of Insurance

Senate Bill 1809

Relating to the enforcement of insurance laws, including laws governing the unauthorized business of insurance; authorizing administrative penalties.

Amends Insurance Code Sections 36.157(b), 36.158(a), 83.051, 83.053(b), 83.054(a)-(c), 84.021, 101.051(b), 101.103(a), 101.104, 101.105(a) and (c), 101.151, 101.154, 101.156, 101.201, 101.202, 101.203(a)-(b); repeals Insurance Code Sections 101.152 and 101.153

Author: Hancock Sponsor: Vo

Changes when an ex-parte cease and desist order goes final, from 31 days after receipt to 61 days after service; also changes the last day to request a hearing from 30 days after receipt to 60 days after service. Requires a timely requested hearing to be docketed within 30 days, and removes the requirement that the hearing be held within 10 days after receipt of the hearing request. Amends the existing rule such that the party requesting the hearing now must show cause, rather than may show cause. Broadens the remedies available to the insurance commissioner to include imposition of administrative penalties; also broadens the type of relief the commissioner may ask the attorney general to seek. Expands the insurance commissioner's authority to impose administrative penalties against both licensees and unauthorized persons. Establishes a response deadline of 15 days after receipt of a request for information from the insurance commissioner or TDI; allows failure to respond to be used as evidence to support a cease and

desist order, and further allows the insurance commissioner to adopt as findings of fact any allegations not properly responded to. Makes other conforming and non-substantive changes.

Effective Date: September 1, 2021

Title 4. Regulation of Solvency

House Bill 4030

Relating to the licensing and regulation of insurance professionals.

Amends Insurance Code Sections 443.156(a), 521.151, 541.002(2), 544.001, 544.051, 1131.056(a), 4001.002(b), 4001.003(1), 4001.051(b), 4001.106(b), 4001.153, 4001.155, 4001.352, 4002.003(a), 4004.053(a), 4004.054, 4051.051(a), 4051.401, 4056.052, 4056.059(b), and 4102.054(a); repeals Insurance Code Chapter 4052, Subchapters D and G, Chapter 4051, and Sections 4001.003(9), 4001.009, 4001.109, 4001.156(a), 4001.205, 4056.004, 4102.054(b)-(c), and 4102.114(d)

Author: Smithee Sponsor: Hancock

Housekeeping bill making conforming and largely non-substantive changes. Extends temporary agent's license term from 90 to 180 days. Authorizes TDI to suspend issuance of provisional licenses—intended as a stop-gap measure to address TDI delays in processing permanent license applications—provided that all applications within the previous 90 days were processed within 21 days and that TDI gives proper notice of said suspension. Eliminates the license requirement for subagents of property and casualty agents. Mandates suspension, cancellation, or suspension of a nonresident agent's license if said action is taken by the licensee's home state. Eliminates requirement for a nonresident agent applicant to provide a letter of good standing from the applicant's home state.

Effective Date: September 1, 2021

House Bill 1689

Relating to credit for reinsurance governed by certain covered agreements and ceded to certain assuming insurers.

Adds Insurance Code Sections 493.102(a)(5) and 493.108

Author: Oliverson Sponsor: Hancock

Implements changes that conform state law to Dodd-Frank provisions that relate to insurance or reinsurance with foreign governments, to avoid federal preemption. Eliminates collateral requirements under certain circumstances, to conform to federal agreements with the EU and UK, which are "reciprocal jurisdictions" as defined. Requires the insurance commissioner to publish a list of reciprocal jurisdictions and eligible assuming insurers by no later than January 1, 2022.

Effective Date: January 1, 2022

Title 10. Property & Casualty Insurance

Senate Bill 1448

Relating to the powers and duties of the Texas Windstorm Insurance Association and the windstorm insurance legislative oversight board and to certain studies by the board relating to the association and the Fair Access to Insurance Requirements Plan.

Amends Insurance Code Sections 2210.351(d) and 2210.352(a-1); adds Insurance Code Sections 2210.351(f), 2210.352(a-3), and 2210.655

Author: Taylor Sponsor: Bonnen

Extends sunset provisions for two interim committees, which were established by the 86th Legislature but were unable to meet due to the pandemic. Requires said committees to issue a report by January 1, 2023. Requires a 2/3 vote of the TWIA board to file any rate that exceeds the rate in effect at the filing date, and narrows TWIA's ability to use rates filed but not yet approved by the insurance commissioner to those filed rates at or below the rates in effect at the filing date.

Effective Date: September 1, 2021

House Bill 769

Relating to the administration of the Texas Windstorm Insurance Association.

Adds Insurance Code Sections 2210.3512 and 2210.453(f)

Author: Middleton Sponsor: Taylor

Prohibits the Texas Windstorm Insurance Association (TWIA) board of directors from voting on a proposed rate increase if a board seat has been vacant for at least sixty days at the time of the vote. Requires TWIA to purchase reinsurance from disinterested insurers or brokers, i.e., those not involved in the execution of the catastrophe model used to set loss limits and rates for the given reinsurance period. Directs Texas Department of Insurance (TDI) to conform the TWIA operating plan to said changes by no later than October 31, 2021.

Effective Date: September 1, 2021

House Bill 2920

Relating to a grace period for payment of premiums on insurance policies renewed by the Texas Windstorm Insurance Association.

Adds Insurance Code Section 2210.203(c-1)

Author: Lozano Sponsor: Hancock

Implements a ten-day grace period for late TWIA policy renewal payments. Directs the insurance commissioner to adopt rules regarding same by no later than June 1, 2022.

Effective Date: September 1, 2021

House Bill 3564

Relating to the authority of the Texas Department of Insurance to rescind a certificate of compliance issued for an improvement for purposes of coverage through the Texas Windstorm Insurance Association.

Amends Insurance Code Section 2210.2515(k)

Author: Paul Sponsor: Taylor

Prohibits TDI from rescinding already-issued certificates of compliance. Applies to both certificates in effect as of the effective date and those issued on or after the effective date.

Effective Date: Immediate

Senate Bill 1367

Relating to the regulation of commercial property and casualty insurance and insurance for certain large risks.

Amends Insurance Code Sections 2251.003(b) and 2301.003(b); adds Insurance Code Sections 981.004(g), 2251.0031, 2251.101(c), and 2301.0031

Author: Creighton Sponsor: Oliverson

Relaxes requirements for form rate filing and review, and for rate filing and review, regarding certain specified specialty business insurance products, including “highly protected commercial property” insurance, defined as “much lower than normal probability of loss due to low-hazard occupancy or property type, superior construction, special fire protection equipment and procedures, and management commitment to loss prevention.” Allows the insurance commissioner, under certain circumstances, to add other lines of commercial insurance to the statutory list of lines covered by the new exemptions; also allows the commissioner to temporarily suspend the exemptions for lines on the statutory list under certain circumstances. Implements a TDI-recommended large risk exemption, defining said risk as an insured with a total insured property value of \$5 million or more; total annual gross revenues of \$10 million or more; or paying a total premium of \$25,000 or more for property or general liability insurance, or \$50,000 or more for multi-peril insurance.

Effective Date: September 1, 2021

LABOR CODE

Title 2. Protection of Laborers

Senate Bill 45

Relating to the prohibition against sexual harassment in the workplace.

Adds Labor Code, Sections 21.141 and 21.142

Author: Zaffirini Sponsor: Zwiener

Amends the Labor Code to define sexual harassment as an unlawful employment practice for all employees in the state (previously only included unpaid interns). Redefines “employer” to include a person who employs one or more employees, or “acts directly in the interest of an employer in relation to an employee” (previously only applied to employers with 15 or more employees) Provides that an unlawful employment practice occurs when sexual harassment occurs and the employer, their agents, or their supervisor know or should have known that the harassment was occurring, and fail to immediately take appropriate action to correct it.

Effective Date: September 1, 2021

House Bill 21

Relating to the statute of limitations applicable to a sexual harassment complaint filed with the Texas Workforce Commission.

Adds Labor Code, Section 21.201(a-1);amends Labor Code, Sections 21.201(a) and (g)

Author: Neave Sponsor: Zaffirini

Extends the deadline to file a sexual harassment complaint with the Texas Workforce Commission to within 300 days of the date that the alleged harassment occurred (the previous deadline was 180 days).

Effective Date: September 1, 2021

Title 4. Employment Services & Unemployment

Senate Bill 337

Relating to the award of grants by the Texas Workforce Commission to facilitate the participation of certain veterans and military personnel in apprenticeship training programs.

Adds Labor Code, Section 302.00341

Author: Powell Sponsor: Dominguez

Requires the TWC to create and run a program to award grants to nonprofit organizations that help veterans and active duty military service members transition into civilian employment by facilitating their participation in apprenticeship training programs.

Effective Date: September 1, 2021

House Bill 3938

Relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.

Adds Labor Code, Chapter 312, Sections 312.001 through 312.003

Author: Bell Sponsor: Powell

Establishes a council comprised of members from industry and public education to advise the TWC on the alignment of public school career and technology education programs with statewide and local workforce needs.

Effective Date: Immediate

LOCAL GOVERNMENT CODE

Title 2. Organization of Municipal Government

Senate Bill 1168

Relating to the authority of a municipality to impose a fine or fee in certain areas in the municipality’s extraterritorial jurisdiction.

Adds Local Government Code, Section 42.9025

Author: Campbell Sponsor: Bell

Forbids municipal imposition of fines or fees in any part of ETJ that was disannexed or “for which the municipality has attempted and failed to obtain consent for annexation under Subchapter C-4 or C-5, Chapter 43 [Local Gov’t Code].” Provides exceptions, e.g., for utilities.

Effective Date: Immediate

[Senate Bill 1338](#)

Relating to disclosure requirements for agreements consenting to municipal annexation.

Adds Local Government Code, Section 43.004; amends Local Government Code, Section 212.172

Author: Zaffirini Sponsor: Sanford

Requires municipality to provide a “written disclosure” regarding annexation to a landowner if municipality makes an offer to enter into: (1) an agreement “in which the landowner consents to annexation” or (2) an ETJ development agreement with the landowner under Local Gov’t Code, Section 212.172. Prescribes contents of the disclosure. Declares an agreement “void” if required disclosure is not provided.

Effective Date: September 1, 2021

[House Bill 1900](#)

Relating to municipalities that adopt budgets that defund municipal police departments.

Adds Local Government Code, Sections 43.004, 43.1465 and 109.001 through 109.006 (new Chapter 109); adds Government Code, Section 810.006; adds Tax Code, Sections 26.044, 26.0501 and 321.5025; adds Utilities Code, Section 33.0211

Author: Goldman Sponsor: Huffman

Punishes any municipality adopting a budget that “reduces the appropriation to the municipality’s police department” (without approval by the criminal justice division of the governor’s office)

as follows: (1) mandates “a separate election in each area annexed in the preceding 30 years by the defunding municipality on the question of disannexing the area;” (2) forbids new annexations and re-annexations for at least 10 years; (3) imposes additional restrictions on the municipality’s property taxes; (4) diverts some of the municipality’s sales tax revenue to DPS; (5) requires municipality to increase contributions to “a public retirement system in which its employees participate” if necessary to maintain prior contribution levels; and (6) caps rates and fees charged by “a municipally owned utility” at levels charged on January 1 of the year when municipality “was determined to be a defunding municipality” (but allows some limited increases if the utility “has not transferred funds to the defunding municipality . . . in the immediately preceding 12 months”). Contains calculation details, exclusions and many other provisions.

Effective Date: September 1, 2021

[Senate Bill 374](#)

Relating to municipal annexation of certain rights-of-way.

Amends Local Government Code, Section 43.1055; adds Local Government Code, Section 43.1056

Author: Seliger Sponsor: Shine

Authorizes a municipality annexing an area to also annex “the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed” if it meets specific criteria, but subject to conditions. Exempts such annexations from the 1,000-foot minimum width requirement for annexations.

Effective Date: Immediate

Title 6. Records

[House Bill 3415](#)

Relating to the authority of a county to require photo identification to file certain documents with the county clerk.

Amends Local Government Code, Section 191.010

Author: Goldman Sponsor: Hancock

Adds more counties where clerks may require “a person presenting a document in person for filing in the real property records” to present photo identification. Applies to six counties (Harris, Dallas, Tarrant, Bexar, Travis, El Paso).

Effective Date: September 1, 2021

Title 7. Regulation of Land Use, Structures, Businesses, & Related Activities

[House Bill 1475](#)

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

Amends Local Government Code, Section 211.009

Author: Cyrier Sponsor: Buckingham

Allows zoning boards of adjustment, in variance cases, to consider “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,” the following: (1) “financial cost of compliance” would be greater than 50% of the structure’s tax-roll value; (2) compliance would cause a loss of at least 25% of the lot area “on which development may physically occur;” (3) compliance would result in non-compliance with an “ordinance, building code, or other requirement;” (4) compliance would result in “unreasonable encroachment on an adjacent property or easement;” or (5) the municipality considers the structure “non-conforming.” (Note: Texas courts have held financial cost, alone, insufficient to establish the “hardship” component of the test for issuance of a variance.)

Effective Date: September 1, 2021

[Senate Bill 1585](#)

Relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.

Amends Local Government Code, Section 211.0165

Author: Hughes Sponsor: Cyrier

Requires municipality to get either owner’s consent or dual super-majority approvals (three-fourths of governing body and commission) to include property in a “local historic district” under a zoning ordinance. Excepts property owned by a qualified religious organization, for which owner consent would always be required. Requires municipality to provide owner “a statement that describes the impact that a historic designation or inclusion in a local historic district . . . may have on the owner and the owner’s property.”

Effective Date: September 1, 2021

[House Bill 1929](#)

Relating to the breach of development agreement contracts governing land in the extraterritorial jurisdiction of certain municipalities.

Amends Local Government Code, Sections 212.172 and 212.174

Author: Wilson Sponsor: Buckingham

Bolsters enforceability of development agreements between municipalities and owners of ETJ land. Declares a development agreement “a program authorized by the legislature under Section 52-a, Article III, Texas Constitution” (which allows loans or grants for economic development, etc.). Waives municipal immunity from suit for breach of contract (including arbitration) and authorizes specific performance, injunctions, actual damages--including, e.g., “compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the municipality,” also attorneys fees and interest, but excluding consequential or exemplary damages. Renames development agreements “contracts” and provides that annexation of land subject to a contract “does not invalidate the enforceability

of the contract or infringe on the rights of a party to adjudicate a claim arising under the contract.”

Effective Date: September 1, 2021

House Bill 738

Relating to residential and commercial building requirements of municipalities, counties, and emergency services districts.

Amends Local Government Code, Sections 214.212, 214.216 and 214.217; adds Local Government Code, Section 250.011

Author: Paul Sponsor: Nichols

Updates state-adopted International Residential Code (from 2001 version to 2012) and International Building Code (from 2003 version to 2012) for municipalities. Allows local amendments after a public hearing. Allows a municipality to keep “a more stringent commercial building code.” Applies International Building Code to all commercial buildings in a municipality and “any alteration, remodeling, enlargement, or repair of those commercial buildings” (dropping apparent grandfathering of buildings for which construction began before 2006). Forbids requiring sprinkler systems in one- or two-family dwellings (but saves some per-existing requirements and allows rules to let contractors offer sprinklers “for a fee”).

Effective Date: January 1, 2022 (generally)

Senate Bill 877

Relating to the inspection of municipal buildings during a declared disaster.

Adds Local Government Code, Section 214.220

Author: Hancock Sponsor: Morrison

During a declared disaster, allows more persons to perform building inspections, including engineers. Forbids an “additional inspection fee” in those circumstances and imposes other regulations.

Effective Date: Immediate

House Bill 1564

Relating to the appointment of a receivership for and disposition of certain platted lots that are abandoned, unoccupied, and undeveloped in certain counties.

Adds Local Government Code, Chapter 232, Subchapter F (Sections 232.151 et seq.)

Author: Gonzalez Sponsor: Blanco

Establishes elaborate procedures for a county to have an “abandoned, unoccupied, and undeveloped” platted lot to be replatted, developed (with streets, drainage, utilities, etc.) and sold by a receiver. Apparently applies only to El Paso County.

Effective Date: September 1, 2021

House Bill 2610

Relating to the deadline to begin a county fire code inspection in certain counties.

Amends Local Government Code, Section 233.064

Author: Harless Sponsor: Miles

In large counties (e.g., Harris), extends the time to begin certain county fire inspections to “10 business days after the date of receipt of the written inspection request” (up from five days).

Effective Date: September 1, 2021

Title 9. Public Buildings & Grounds

House Bill 3583

Relating to energy savings performance contracts.

Amends Local Government Code, Sections 302.001; adds Local Government Code, Sections 302.005 and 302.008

Author: Paddie Sponsor: Hinojosa

Declares contracts and arrangements that violate Chapter 302 (which authorizes local government “energy savings performance contracts”) to be “voidable as against public policy,” but requires enforcement actions to be

filed “not later than the 10th day after the date the contract is awarded.” Excludes design or construction of a “water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project” from the definition of “energy savings performance contract,” apparently to keep them from being covered by Chapter 302 (also restricts changes to existing contracts for those purposes).

Effective Date: Immediate

Title 11. Public Safety

House Bill 1925

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.

Adds Local Government Code, Chapter 364; adds Government Code, Chapter 2306, Subchapter PP (Sections 2306.1121, et seq.); adds Penal Code, Section 48.05

Author: Capriglione Sponsor: Buckingham

Creates a Class C misdemeanor applicable to a person who “intentionally or knowingly camps in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place.” Contains intricate definitions and instructions for enforcement, preemption, etc. Allows camping consents to be given only for: (1) “recreational purposes;” (2) sheltering the homeless under a state-approved camp plan, which may not allow a camp in a public park; (3) “purposes permitted by a beach access plan,” subject to state approval; or (4) providing “emergency shelter” during a state or locally-declared disaster. Authorizes Attorney General to sue cities and counties (and their officers, e.g., “sheriff, municipal police department, municipal attorney, or county attorney”) for injunctions, attorneys fees, etc., if they adopt or enforce “a policy” that “prohibits or discourages the enforcement of any public camping ban.” Denies state grant funds to local entities judicially determined to have “intentionally” adopted such a policy.

Effective Date: September 1, 2021

House Bill 29

Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.

Adds Local Government Code, Chapter 365; adds Government Code, Chapter 2165, Subchapter J (Sections 2165.451, et seq.)

Author: Swanson Sponsor: Hughes

Authorizes state agencies and political subdivisions to provide “temporary secure weapon storage” for public buildings (except penal institutions, public schools, colleges) where “carrying a handgun or other firearm, location-restricted knife, club, or other weapon” is prohibited. Contains other provisions.

Effective Date: September 1, 2021

Title 12. Planning & Development

Senate Bill 804

Relating to the authority of a municipality to add property to a common characteristic public improvement district.

Amends Local Government Code, Section 372.0121

Author: Menendez Sponsor: Cortez

Clarifies and constrains discretion of certain municipalities to add hotel property into existing public improvement districts with a “common characteristic or use.”

Effective Date: Immediate

Senate Bill 113

Relating to community land trusts.

Amends Local Government Code, Section 373B.003; amends Tax Code, Sections 23.21 and 26.10

Author: West Sponsor: Rodriguez

Revises existing laws governing community land trusts. Allows a trust to organize as a

limited partnership or LLC, if controlled by a non-profit corporation. Restricts tax appraisals for: (1) land and housing units leased “to a family meeting the income-eligibility standards” of the law, and (2) housing units subject to restrictions that limit sales to “a family meeting the income-eligibility standards” of the law. Modifies tax exemption for certain land received by a trust.

Effective Date: September 1, 2021

Senate Bill 604

Relating to bonds issued by and the dissolution of municipal management districts.

Adds Local Government Code, Section 375.2621; amends Local Government Code, Section 375.264

Author: Bettencourt Sponsor: Capriglione

Forbids municipal management districts to issue bonds after a valid petition for dissolution is filed. Restricts and regulates dissolution of some districts with outstanding bonds.

Effective Date: September 1, 2021

House Bill 1554

Relating to use of project funds of municipal development districts.

Amends Local Government Code, Section 377.072

Author: Rogers Sponsor: Buckingham

Allows a municipal development district to spend money on projects located in the extraterritorial jurisdiction of the municipality that created the district, subject to approvals.

Effective Date: Immediate

Senate Bill 1679

Relating to the creation of an urban land bank by certain municipalities.

Adds Local Government Code, Chapter 379H; repeals Local Government Code, Chapter 379D;

amends Local Government Code, Section 379E.002

Author: Alvarado Sponsor: Johnson

Authorizes a large municipality (pop. 2,000,000 or more, e.g., Houston) to create an “urban land bank” for “acquiring, managing, and disposing of vacant, abandoned, deteriorated, non-revenue generating, and non-tax producing properties and converting those properties to productive uses,” including affordable housing and other uses. Declares an urban land bank to be “a governmental unit” under the Tort Claims Act--also a “local government corporation” and a “public nonprofit corporation”--and provides for management, administration and operations. Declares the “Houston Land Bank,” an existing public nonprofit corporation, to be an urban land bank under the new law (and repeals existing land bank law). Exempts a land bank from property taxes and “all license fees, recording fees, and all other taxes” imposed by the state or a political subdivision. Requires creating municipality to remit to the bank up to 75 percent of the real property taxes the municipality collects on property conveyed by the land bank, for five years. Prescribes elaborate procedures for acquiring and disposing of property and quieting title, including provisions for tax sales and foreclosures (subject to redemptions), but does not allow eminent domain or acquisitions outside the city’s limits. Creates a joint interim committee to study land banks and report by 2023. Contains many other provisions.

Effective Date: September 1, 2021

House Bill 2404

Relating to the creation and maintenance of a database of information regarding certain local economic development agreements; providing a civil penalty.

Adds Local Government Code, Sections 403.0246, 403.0247, 380.004, and 381.005

Author: Meyer Sponsor: Zaffirini

Requires the comptroller to create, operate, and update an internet database to be known as the

“Chapter 380 and 381 Agreement Database” containing information regarding “all local development agreements in this state.” Requires local governments to cooperate and inform the comptroller regarding agreements. Imposes a civil penalty on local governments that fail to timely comply with the reporting requirements. Requires posting of database on the comptroller’s website by September 1, 2022, to be accessible to the public at no charge.

Effective Date: September 1, 2021

Senate Bill 1465

Relating to operation of the Texas small and rural community success fund program administered by the Texas Economic Development Bank as successor to the Texas leverage fund program and to creation of the micro-business disaster recovery loan guarantee program.

Adds Government Code, Subchapters E and F (Sections 489.251 et seq. and 489.301 et. seq.); amends Local Government Code, Section 501.008

Author: Hinojosa Sponsor: Guillen

Establishes (as successor to the Texas leverage fund program) the “Texas small and rural community success fund program” with a primary purpose of making loans to Type A and Type B economic development corporations for “eligible projects” under Chapters 501, 504, and 505, Local Gov’t Code. Creates the “micro-business disaster recovery fund” to guarantee “loans made by participating financial institutions to micro-businesses that have suffered economic injury as a result of a declared disaster.” Authorizes borrowing and security, including “pledge of the local economic development sales and use tax revenues imposed by municipalities for the benefit of economic development corporations.” Provides for implementation by TCPA, Texas Economic Development Bank and Texas Economic Development and Tourism Office, all subject to Legislative appropriations. Contains other provisions.

Effective Date: Immediate

NATURAL RESOURCES CODE

Title 2. Public Domain

House Bill 374

Relating to the continuation of the Red River Boundary Commission.

Amends Natural Resources Code, Sections 12.057(b) and 12.058

Author: Smith Sponsor: Springer

Extends the Red River Boundary Commission reporting deadline from July 30, 2021 to July 30, 2023, and extends the Commission’s sunset date from December 31, 2021 to December 31, 2023.

Effective Date: Immediate

Senate Bill 1072

Relating to the procedure for conducting surveys of public land, including the requirements regarding field notes and coordinate systems.

Amends Natural Resources Code, Sections 21.041 and 21.077; adds Natural Resources Code, Section 21.0711

Author: Hinojosa Sponsor: Hunter

Allows the Texas Spatial Reference Center at Texas A&M-Corpus Christi to adopt an alternate state coordinate system, and establishes that said system shall be an official state coordinate system. Redefines “one U.S. survey foot” in terms of meters rather than inches, and defines one international foot as exactly 0.3048 meters.

Effective Date: September 1, 2021

Senate Bill 1258

Relating to the duty of a lessee or other agent in control of certain state land to drill an offset well, pay compensatory royalty, or otherwise protect the land from drainage of oil or gas by a horizontal drainhole well located on certain land.

Amends Natural Resources Code. Sections 52.034(a) and (d), and 52.173(a) and (d); adds Natural Resources Code Sections, 52.034(a-1)-(a-2), and 52.173(a-1)-(a-2)

Author: Birdwell Sponsor: Goldman

Eliminates the requirement to drill an offset well under certain circumstances; if a horizontal drainhole well in an unconventional fracture treated (UFT) field is draining an area of leased public school or gulf land, but no take point from said well is closer to the leased state land than the greater of the minimum lease-line spacing required by the Railroad Commission or 330 perpendicular feet, then no offset well is required under the amended statute. Makes other conforming and nonsubstantive changes. Applies prospectively.

Effective Date: September 1, 2021

Title 3. Oil & Gas

House Bill 2201

Relating to the location of pits used in the production of oil and gas.

Adds Natural Resources Code, Section 91.1017

Author: Ashby Sponsor: Nichols

Requires the Railroad Commission to establish rule-based standards regarding the location of pits used by commercial oil and gas disposal facilities, including consideration of a ten-year flood history preceding construction to determine permissibility of a proposed location.

Effective Date: September 1, 2021

Title 6. Timber

House Bill 222

Relating to liability of burn bosses in connection with certain prescribed burns.

Adds Natural Resources Code, Section 153.084

Author: Murr Sponsor: Springer

Limits liability for burn bosses in the event of property damage, personal injury, or death caused by a prescribed burn, if the burn boss: (1) completes training approved by the Prescribed Burning Board, (2) satisfies minimum experience requirements as established by the Board, and (3) has liability insurance coverage as required by statute. Does not limit liability if the burn boss is grossly negligent or intentionally causes property damage, personal injury, or death. Applies prospectively.

Effective Date: September 1, 2021

House Bill 2004

Relating to a limitation on liability and sanctions in connection with certain prescribed burns.

Adds Natural Resources Code, Sections 153.084 and 153.1025

Author: Ashby Sponsor: Nichols

Limits liability for burn bosses that are insured and Prescribed Burning Board-certified prescribed burn managers in the event of property damage, personal injury, or death that occurs more than 300 feet from a prescribed burn and is caused by or resulting from smoke from said prescribed burn. Does not limit liability if the burn boss is grossly negligent or intentionally causes property damage, personal injury, or death. Prevents the Texas Department of Agriculture, the Texas Commission on Environmental Quality, or other state agency from taking action against a certified and insured prescribed burn manager regarding smoke-related nuisance complaints. Applies prospectively.

Effective Date: September 1, 2021

OCCUPATIONS CODE

Title 2. General Provisions Relating to Licensing

House Bill 139

Relating to state occupational licensing of certain military veterans and military spouses.

Amends Occupations Code, Sections 55.001(2), 55.004(c), and 55.0041(b); adds Occupations Code, Section 55.004(d)

Author: Buckley Sponsor: Powell

Specifies training, education, clinical experience, and professional experience as a non-exhaustive list of alternate methods for a service member, service member's spouse, or veteran to demonstrate competency for licensure. Requires licensing agencies with a residency requirement to accept, as proof of residency for a service member's spouse, the service member's permanent change of station order. Adds "space force" to the list of armed forces branches. Also makes changes to the Education Code.

Effective Date: September 1, 2021

[House Bill 1560](#)

Relating to the continuation and functions of the Texas Department of Licensing and Regulation.

Amends, adds, and repeals (in relevant part) various Occupations Code sections, primarily in Chapters 51 and 1304

Author: Goldman Sponsor: Buckingham

Omnibus Texas Commission of Licensing and Regulation (TCLR) and Texas Department of Licensing and Regulation (TDLR) bill, dealing primarily with TCLR's and TDLR's administration, operation, governance, and financial structure. Extends the sunset date for both entities from September 1, 2021 to September 1, 2033. Allows the TCLR or the TDLR's executive director to order a licensee to refund up to the full amount paid by a consumer to a licensee to resolve a complaint made by the consumer, instead of or in addition to imposing penalties or sanctions. Eliminates TCLR's authority to determine a licensee's eligibility due to "honesty, trustworthiness, and integrity" factors other than criminal history; deeming a licensee ineligible for the latter remains within TCLR's authority. Permits the TCLR to require certain financial disclosures from applicants that are not individuals, and allows TCLR to suspend or revoke a license for failure to disclose required

information or for disclosing that the licensee has a relationship with a person whose license was revoked.

Makes various changes regarding residential service contracts (RSCs). Removes the Residential Service Company Act from the 2025 TREC sunset provision. Adds a definition for a "residential service contract," in addition to the existing "service contract" definition. Makes RSCs subject to the Service Contract Regulatory Act (SCRA) by deleting an existing exemption. Exempts a residential builder's performance guarantee from the SCRA; also exempts residential appliance warranties, RSCs executed before August 28, 1979, and residential builder home warranties. Requires a RSC to state that the provider agrees to initiate performance within 48 hours, "under normal circumstances," of services requested by the contract holder. Prohibits a person from selling, offering to sell, arranging or soliciting the sale of an RSC unless that person works for a licensed RSC provider or administrator or is a Texas real estate agent or broker, mobile home dealer, or insurance agent; allows an exception under certain circumstances if the contract contains specified boldface statutory language. Requires TCLR to adopt implementation rules by June 1, 2022.

Makes numerous other changes, including other subject matter,

Effective Date: September 1, 2021

Title 7. Practices and Professions Related to Real Property & Housing

[House Bill 2533](#)

Relating to the performance of a real property evaluation for use by certain financial institutions.

Amends Occupations Code Sections 1103.004 and 1103.405; adds Occupations Code, Sections 1103.003(4-b), (6-c), and (7-a)

Author: Darby Sponsor: Nichols

Specifies that the Texas Appraiser Licensing and Certification Act (TALCA) does not apply

to employees of federally regulated financial institutions that are not required to use a licensed or certified appraiser, nor does it apply to employees of non-bank financial institutions or to those purchasing an automated valuation model (AVM). Allows TALCA licensees to prepare a real property evaluation that does not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), provided that the document gives conspicuous notice that the evaluation is not a USPAP-compliant appraisal. Makes conforming changes; applies prospectively.

Effective Date: Immediate

Senate Bill 916

Relating to certain information regarding appraisal district noncompliance and property values in the Texas Department of Licensing and Regulation records of a professional property tax appraiser serving as chief appraiser for the district.

Adds Occupations Code, Section 1151.109

Author: Seliger Sponsor: Meyer

Requires the Texas Department of Licensing and Regulation (TDLR) to include, in the record of any registered professional appraiser serving as a chief appraiser for an appraisal district, an electronic copy of both the report for the comptroller's biennial review of the appraisal district's performance and the property value studies used in the review. Allows an appraisal district to request said information from TDLR for an appraiser the district is considering for chief appraiser. Requires adoption of implementation rules as soon as practicable.

Effective Date: September 1, 2021

Title 8. Regulation of Environmental & Industrial Trades

House Bill 636

Relating to the continuation and functions of the Texas State Board of Plumbing Examiners; authorizing a fee.

Amends various sections of Occupations Code Chapter 1301 and Health and Safety Code,

Section 372.0035(h); adds Occupations Code Sections 1301.203(c), 1301.263, 1301.305, 1301.3515, 1301.3542, 1301.3581, 1301.360, 1301.404(g), 1301.405(a-1)-(a-2), 1301.4055, 1301.407, and 1301.5071(a-1); repeals various sections of Occupations Code, Chapter 1301

Author: Thompson Sponsor: Whitmire

Revises regulation of plumbers. Extends the sunset date for the Board of Plumbing Examiners (BPE) to September 1, 2027. Requires plumbing license applicants to submit fingerprints for a criminal history check. Requires BPE to obtain criminal histories for all plumbers licensed as of September 1, 2021; sets a first deadline of September 1, 2023 to obtain said criminal histories using name and date of birth, and a second deadline of September 1, 2025 to obtain criminal histories using licensee fingerprints. Requires BPE to make licensee disciplinary action public. Allows BPE to waive licensing prerequisites for plumbers licensed in states with substantially equivalent licensing requirements; also allows BPE to establish reciprocity agreements with other states, subject to governor approval. Allows BPE to issue 30-day temporary licenses to those applicants submitting a BPE-prescribed form, meeting preliminary qualifications, and paying a fee. Deletes the training program requirement for a "responsible master plumber." Adds plumbing trade coursework as a license requirement for a "tradesman plumber-limited license holder" and sets a framework for same. Eliminates a BPE field representative's authority to issue citations. Requires BPE to set rules for on-site license checks by field representatives, specifying priorities and procedures regarding: (1) degree of potential harm to public health, safety, or property, (2) licensee violation history, and (3) any other indications of risk to the public. Makes other changes.

Effective Date: Immediate

House Bill 871

Relating to the municipal fees charged to certain air conditioning and refrigeration contractors.

Adds Occupations Code, Section 1302.304

Author: Morrison

Sponsor: Kolkhorst

Prohibits a municipality from charging HVAC licensees a registration fee for doing work in or providing notice to the municipality, for those licensees required to give such notice under state statute. Distinguishes between a registration fee and a building permit fee, the latter of which remains permissible.

Effective Date: September 1, 2021

Title 12. Practices & Trades Related to Water, Health, & Safety

House Bill 1070

Relating to the performance of pest control work by persons who hold a commercial or noncommercial applicator license issued by the Department of Agriculture.

Adds Occupations Code, Section 1951.053(a)

Author: Harris Sponsor: Perry

Expands a Structural Pest Control Act exemption, for those persons holding a horticultural commercial or noncommercial applicator's license to cover persons working under their direct supervision.

Effective Date: Immediate

PARKS & WILDLIFE CODE

Title 5. Wildlife & Plant Conservation

House Bill 4426

Relating to the operation of aircraft in or on protected freshwater areas.

Adds Parks & Wildlife Code, Section 90.0035

Author: Cryier Sponsor: Perry

Permits person to operate aircraft in or on a protected freshwater area so long as the person avoids harm to vegetation, wildlife, or wildlife habitat.

Effective Date: Immediate

PENAL CODE

Title 7. Offenses Against Property

Senate Bill 516

Relating to increasing the criminal penalty for the offense of criminal mischief involving impairment or interruption of access to an automated teller machine.

Amends Penal Code, Sections 28.03(b) and (g)

Author: Huffman Sponsor: Murr

Increases the penalty for the whole or partial impairment or interruption of access to an ATM to a third-degree felony. Makes the amount of pecuniary loss irrelevant to the penalty (change from the penalty being dependent on the amount of pecuniary loss).

Effective Date: September 1, 2021

Senate Bill 109

Relating to the criminal offense of fraudulent securing of document execution.

Amends Penal Code, Section 32.46; adds Penal Code, Section 46(d)(3); amends Civil Practice and Remedies Code, Sections 33.013(b) and 41.008(c); amends Code of Criminal Procedure, Article 12.01; amends Health and Safety Code, Section 250.006(b)

Author: West Sponsor: Meyer

For the offense of fraudulently securing document execution (or recordation), adds the element of "without effective consent" and states the circumstances under which consent is not effective (induced by deception or coercion or given by person who is unable to make reasonable property dispositions because of youth, mental disease or defect, intoxication, or advanced age).

Effective Date: September 1, 2021

House Bill 1156

Relating to creating the criminal offense of financial abuse of an elderly individual.

Adds Penal Code, Section 32.55

Author: Thierry Sponsor: Menendez

Creates a criminal offense for knowingly engaging in or assisting with the financial abuse of an elderly person. Defines “financial abuse” as the wrongful taking, appropriation, obtaining, retention, or use of money or other property. Sets punishment range from Class B misdemeanor to first degree felony, dependent upon the value of the property taken.

Effective Date: September 1, 2021

PROPERTY CODE

Title 2. Conveyances

House Bill 4346

Relating to the possession, carrying, or transportation of a firearm by certain persons during the use of an easement.

Adds Property Code, Section 5.020

Author: Leman Sponsor: Springer

Protects the right of an easement holder and their guests to possess, carry, or transport a firearm or alcoholic beverage (as defined in Alcoholic Beverage Code, Section 1.04) through an “access easement.” Does not apply to a pipeline, electric transmission or utility easement.

Effective Date: September 1, 2021

Senate Bill 30

Relating to the removal of certain discriminatory provisions from a recorded conveyance instrument.

Adds Property Code, Section 5.0261

Author: West Sponsor: Leach

Permits an owner of property subject to an instrument containing a discriminatory provision (as defined under Property Code, Section 5.026(a)) to request removal of the discriminatory provision by filing a motion verified by affidavit. Permits the court to rule on

a motion “solely on a review of the conveyance instrument, without hearing any testimonial evidence.” Provides that, if the court does not rule by the 15th day after the motion is filed, motion is deemed granted. Requires the court to enter a finding of fact and conclusion of law, which must be transferred to the county clerk and recorded. Prohibits the county clerk from charging a fee for recording the finding.

Effective Date: September 1, 2021

House Bill 1543

Relating to certain procedural requirements for public improvement districts and transfers of property located in public improvement districts.

Amends Local Government Code, Sections 372.010 and 372.013; amends Property Code, Section 5.014; adds Property Code, Sections 5.041 - 5.0145

Author: Parker Sponsor: Creighton

Broadens and strengthens requirements for sellers to provide notices to purchaser of property in public improvement districts. Prescribes remedies for non-compliance, including money damages. Changes the effective date for a resolution authorizing an improvement district to be the date the resolution is adopted (instead of requiring it to first be published in a newspaper before becoming effective). Requires a municipality or county adopting a resolution to record a copy of the resolution in the county clerk records within 7 days after the resolution is adopted. Requires a county or municipality to approve a service plan for an improvement district (and any amendments or updates to a plan except for certain bracketed hotel districts) by ordinance or order. Requires inclusion of the revised notice form in the service plan and requires recordation in the applicable county clerk records within 7 days after approval. Replaces the contractual form of notice from a seller to a buyer that property is located in an improvement district with two new forms. Outlines when notices must be given and when they must be signed. Excludes notices for certain transactions, including a foreclosure

sale, a transfer by a trustee in bankruptcy, a deed in lieu of foreclosure, certain family transfers, certain transfers incident to a death, and transfers of mineral estates, leaseholds, or security interests.

Effective Date: September 1, 2021

House Bill 4374

Relating to the use of executory contracts for the purchase of land to be used as a residence in certain counties.

Adds Property Code, Section 5.0622; amends Property Code, Section 5.087.

Author: Cyrier Sponsor: Zaffirini

Applies to certain bracketed counties and permits the commissioner’s court to adopt an order that subjects contracts for deed to subchapter D of the Property Code (which establishes many purchaser protections related to those contracts). Requires the commissioner’s court to specify a method for determining whether the land is used or to be used as a residence. Provides that a conversion under Section 5.081 occur not later than 3 years after entering into an executory contract.

Effective Date: September 1, 2021

Title 3. Public Records

Senate Bill 885

Relating to quitclaim deeds.

Adds Property Code, Section 13.006; amends Civil Practice and Remedies Code, Section 16.025(b)

Author: Hughes Sponsor: Landgraf

Protects a lender’s or buyer’s ability to be a good faith purchaser for value and to be shielded by Property Code, Section 13.001 by establishing that a quitclaim deed recorded more than 4 years ago does not affect a buyer’s or creditor’s “good faith” or constitute notice of an unrecorded deed or lien.

Effective Date: September 1, 2021

Title 4. Actions & Remedies

House Bill 2730

Relating to the acquisition of real property by an entity with eminent domain authority and the regulation of easement or right-of-way agents.

Amends Government Code, Section 402.031; amends Occupations Code, Section 1101.502(a); adds Occupations Code, Sections 1101.508 and 1101.509; amends Occupations Code Sections, 1101.653; adds Property Code, Sections 21.0101 and 21.0114; amends Property Code, Sections 21.0113(b), 21.012, and 21.014

Author: Deshotel Sponsor: Kolkhorst

Amends the “landowner’s bill of rights” that must be furnished to an owner in the event of eminent domain to include (1) notice that the owner has the right to file a complaint with the Texas Real Estate Commission (“TREC”) “regarding alleged misconduct by a registered easement or right of way agent”; and (2) “an addendum of the terms required for an instrument of conveyance...and the terms a property may negotiate under Section 21.0114(d)”. Provides for education for certification and continuing education requirements for right-of-way agents and tasks the TREC to approve related coursework. Adds grounds for suspension if a right of way agent “accepts a financial incentive” to knowingly make a below-market offer. Expands the requirements of a “bona fide offer” to the landowner under Property Code Section 21.0113(b).

Defines terms and provisions that must be included in certain deeds, easements, or other conveyances for a pipeline easement or an electric transmission line easement to acquire a property instrument for a public use. Provides that the property owner may negotiate certain provisions pertaining to damages and insurance and that either party may negotiate and agree to an instrument that contains additional or different terms. Provides if a private entity revises an instrument, it must provide the revised instrument at least 7 days before filing a

condemnation petition (unless the owner waives the 7 day notice).

Provides procedural requirements for sending an eminent domain petition. Requires a judge to appoint the special commissioners within 30 days after a petition is filed and revises the strike process of special commissioners by the parties.

Effective Date: January 1, 2022

[Senate Bill 721](#)

Relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

Adds Property Code, Section 21.0111(a-1)

Author: Schwerter Sponsor: Leman

Requires an eminent domain authority that will use an appraisal at a special commissioner's hearing to provide the property owner with "any and all current and existing appraisal reports... relating specifically to the owner's property and used in determining the entity's opinion of value" at least 3 business days before the hearing.

Effective Date: September 1, 2021

[Senate Bill 41](#)

Relating to the consolidation and allocation of state civil court costs; increasing certain civil court costs; authorizing fees.

Amends and repeals various sections of Local Government Code, Government Code, Family Code, and Human Resources Code; amends Section 12.005(a), Civil Practice and Remedies Code; amends Article 102.017(a), Code of Criminal Procedure; amends Section 571.018(b), Health and Safety Code; amends Section 21.013(c), Property Code; repeals Section 194.002(e), Health and Safety Code; repeals Section 2308.457, Occupations Code; repeals Section 21.047(c), Property Code; repeals Section 21.047(c), Transportation Code; repeals Article 7818, Revised Statutes.

Author: Zaffirini Sponsor: Leach

Repeals Section 21.047(c) of the Property Code, which permitted a court with jurisdiction over a condemnation proceeding to charge \$10.00 or more as a fee for court costs. Revises Section 21.013(c) of the Property Code to remove the reference to Section 51.317, Government Code, which set forth the filing fee payable by a party initiating a condemnation proceeding in a county in which there is not a county court at law must file the condemnation petition with the district clerk.

Effective Date: January 1, 2022

[Senate Bill 726](#)

Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

Amends Property Code, Section 21.101

Author: Schwertner Sponsor: Leman

Changes the standard to determine whether a condemning authority has made "actual progress" "toward the public use for which the property was acquired" (which determination may affect whether an owner has a right to repurchase previously condemned property). Requires completion of at least 3 actions (instead of 2) and removes acquiring an adjacent tract of property for the same use as one of the options. Creates different standards for actual progress by a navigation district, port authority, or "water district implementing a project included in the state water plan".

Effective Date: September 1, 2021

[House Bill 900](#)

Relating to the liability of a landlord for damages resulting from the execution of a writ of possession in an eviction suit.

Adds Property Code, Section 24.0061(i)

Author: Huberty Sponsor: Springer

Protects a landlord from liability to the tenant resulting from an officer's (sheriff or constable pursuant to Property Code, Section 24.0054(a-1)) execution of a writ of possession following an eviction suit filed after September 1, 2021.

Effective Date: September 1, 2021

House Bill 1012

Relating to access to a residence or former residence to retrieve certain personal property.

Amends Property Code, Section 24A.002

Author: Dutton Sponsor: Zaffirini

Identifies the applicable court in which a person must apply for a writ of reentry to retrieve property. Adds requirements to an application for reentry, including a certification whether, to the best of the person's knowledge, there is a suit under Title 1, Family Code and whether the right of possession is subject to a divorce decree. Expands the list of personal items that may be retrieved to include assistance animals, wireless communication devices, tools and books, and other items.

Effective Date: September 1, 2021

Title 5. Exempt Property & Liens

House Bill 2237

Relating to mechanic's, contractor's, or materialman's liens.

Amends Insurance Code Sections, 3503.051(3); amends Property Code Chapter 53, various sections

Author: Burrows Sponsor: Johnson

Clarifies various provisions pertaining to mechanic's liens by replacing text with defined terms, including "improvement", "labor", "material", and "purported original contractor". Adds real property and improvements to the definition of a "residence" and changes the definition to more clearly apply to condominium units rather than apartments. Changes provisions regarding method of notices required by Chapter 53. Revises the deadlines for filing a lien affidavit and retainage, dependent on whether the party filing is an original contractor or a subcontractor and on whether the project is residential or commercial. Requires subcontractors to give a funds trapping notice (and creates a form) 1 month prior to the

applicable deadline to file a lien. Creates a similar notice for a claim of unpaid retainage. Shortens the limitations to foreclose a lien to 1 year, unless the claimant enters into a written agreement with the owner to extend the limitations period and the agreement is filed of record (in which event it may be extended up to 2 years).

Effective Date: January 1, 2022

House Bill 3115

Relating to the release of a judgment lien on homestead property.

Amends Property Code, Section 52.0012; adds Property Code Section 52.0012, Subsections (b-1) and (g); amends Family Code Section 157.3171(c).

Author: Shine Sponsor: Buckingham

Modifies the procedure for the release of a lien on homestead property by a judgment debtor by clarifying notice requirements and establishing certain time periods by which a judgement debtor and a judgment creditor must act. Provides that a judgment debtor may seek to release a lien on its homestead by recording a "homestead affidavit as a release of judgment lien" meeting the statutory requirements under Section 52.0012(f) and a certificate of mailing attesting that the debtor recorded the affidavit and sent the affidavit to the judgement creditor. Allows a bona fide purchaser or a mortgagee for value to rely on the affidavit filed by a judgment debtor for a period of 90 days commencing on the 31st day after the date the certificate of mailing was recorded unless a judgment creditor records an affidavit within 30 days after the certificate of mailing was recorded challenging the judgment debtor's affidavit or certificate of mailing.

Effective Date: September 1, 2021

House Bill 3794

Relating to oil and gas liens.

Author: Geren Sponsor: Hinojosa

Amends Business & Commerce Code, Sections 9.109(d), 9.310(b), 9.324(b); repeals Business & Commerce Code, Sections 9.203(j) and 9.343; adds Property Code, Chapter 67

Provides for an oil and gas lien to secure the obligations of a first purchaser to pay the sales price. Provides each interest owner an oil and gas lien to the extent of the interest owner's interest in oil and gas rights. Perfects the lien automatically without the need to file a financing statement or other record. Provides that even if the oil or gas is "co-mingled", the lien applies to the volume percentage in the whole.

Effective Date: September 1, 2021

Title 6. Unclaimed Property

House Bill 1514

Relating to the administration of unclaimed property.

Amends Estates Code, Section 551.005; amends Insurance Code, Section 1109.013; amends Property Code, Sections 72.001 and Chapter 74, various sections; adds Property Code, Sections 74.405 and 74.503; reenacts and amends Property Code, Section 74.501(e); repeals Insurance Code, Subchapters B and D, Chapter 1109 and various other sections of Chapter 1109

Author: Landgraf Sponsor: Zaffirini

Makes certain changes to various statutes that deal with unclaimed property (including property that is presumed abandoned under Chapter 72, 73, or 75 of the Property Code). Does not have a direct effect on real property, except to the extent that changes to timelines, notices, or other processes involve abandoned mineral interests (described in Chapter 75 of the Property Code).

Effective Date: September 1, 2021

House Bill 3607

Relating to nonsubstantive additions to, revisions of, and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming clarifications enacted by the 86th Legislature to other Acts of that legislature.

Reenacts Property Code, Section 74.501(e); redesignates Property Code, Section 202.020; amends various other statutes

Author: Leach

Reenacts Property Code Section 74.501(e) that prevents the Texas Comptroller from paying certain claims (related to property that is presumed abandoned under Chapter 72, 73, or 75 of the Property Code) except in accordance with Estates Code Section 551.051 or except for certain claims for back child support. Redesignates Property Code Section 202.020 as Section 202.021. Does not have a substantive effect on current law. Makes other changes to various Texas statutes.

Effective Date: September 1, 2021

Title 7. Condominiums

Title 8. Landlord & Tenant

Senate Bill 1783

Relating to a fee collected by a landlord in lieu of a security deposit.

Amends Property Code by adding Section 92.111.

Author: Creighton Sponsor: Turner

Allows a residential landlord to give a prospective tenant the option to pay a fee in lieu of a security deposit and creates restrictions and notice requirements for a landlord that chooses to offer this option, such as:

- a. The landlord cannot use a prospective tenant's choice to pay a fee in lieu of a deposit as a criterion for lease application approval.
- b. The tenant has the option at any time to terminate the agreement to pay the fee and instead pay a security deposit.
- c. Notice to the tenant of this option must be in writing and the agreement to pay the fee must be in writing.

- d. The fee must be a recurring fee of equivalent amount and payable when rent is due.

Other important aspects of the Bill:

- (a) delineates specific language that must be in the fee agreement;
- (b) caps the fee at the reasonable cost of obtaining and administering insurance for damages and charges for which the tenant is legally liable;
- (c) sets up restrictions and tenant notice requirements for a landlord's insurance claim for unpaid rent or damages; and
- (d) states that the fee is a "security deposit" for purposes of Chapter 92.

The Bill purports to codify the practice of accepting small monthly "deposit waiver fees" instead of large down payments at move-in. A 2018 study shows that security deposits are extremely burdensome to lower income renters and intensify the housing affordability crisis. The Bill's author claims that 92% of tenants who are offered this option choose the monthly fee in lieu of a deposit.

Effective Date: September 1, 2021

House Bill 531

Relating to notice requirements for a leased dwelling located in a floodplain.

Amends Property Code by adding Section 92.0135.

Author: Walle Sponsor: Huffman

Adds landlord notice requirements for residential leases regarding whether the premise is located in a 100-year floodplain or is otherwise susceptible to flooding, with specific details on the content of the notice. Requires that the notice be in a separate written document given to the tenant at or before execution of the lease, and provides tenant remedies for a landlord's failure to deliver the notice if the tenant suffers substantial loss as a result of flooding. The notice requirement only

applies to leases entered into or renewed on or after the effective date. The Bill author's stated intent is to extend existing disclosure requirements for the sale of real property to residential leases.

Effective Date: January 1, 2022.

Title 9. Trusts

House Bill 654

Relating to the rule against perpetuities.

Amends Property Code, Section 112.036.

Author: Lucio III Sponsor: Johnson, N.

Amends the rule against perpetuities to provide that the "effective date" of a trust is the date the trust becomes irrevocable. Requires an interest in a trust effective on or after September 1, 2021, to vest not later than 300 years after the effective date of the trust. Adds that under this section, a settlor of a trust may not direct that a real property asset be retained or refuse that a real property asset may be sold longer than 100 years.

Effective Date: September 1, 2021

Title 11. Restrictive Covenants

House Bill 3571

Relating to the regulation of security measures by certain property owners' associations.

Amends Property Code Chapter 202; adds Section 202.023

Author: Bonnen Sponsor: Springer

Prohibits a property owners' association from adopting or enforcing a restrictive covenant that prevents a property owner from building or installing security measures, including (but not limited to) security cameras, motion detectors or perimeter fencing. Enables a property owners' association to (1) prohibit the installation of a security camera in any area other than a property owner's private property

and (2) regulate the type of fencing that a property owner may install. Does not apply to a condominium as defined by Sections 81.002 or 81.003, or a master mixed-use property owners' association subject to Chapter 215.

Effective Date: Immediate

Senate Bill 581

Relating to regulation by a property owners' association of certain religious displays.

Amends Property Code Sections 202.018(a) and (b)

Author: Bettencourt Sponsor: Schofield

Prohibits a property owners' association from adopting or enforcing a restrictive covenant that restricts a property owner or resident from displaying or affixing religious items on the property owner or resident's property (Section 202.018(a) previously prohibited a property owners' association from restricting such displays only on the entry to the property). Includes exceptions for displays (1) installed on property owned or maintained by a property owners' association or owned in common by members of a property owners' association, (2) in violation of any applicable building line, right-of-way, setback, or easement, or (3) attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

Effective Date: Immediate

Senate Bill 1588

Relating to the powers and duties of certain property owners' associations.

Amends Property Code Sections 202.006, 202.018(a) and (b), 207.003(c), 207.004(b), 207.006, 209.0051(e) and (h), 209.006(a), 209.0063(a), 209.0064(b), 209.007(a), 209.015(c), and 209.016(d); Amends Subsections 209.004(a), (b), (c) and (d); Adds Sections 202.022, 203.023, 209.00505, 209.0065, and 209.017; Adds Subsections 209.004(b-1), 209.0052(c), 209.007(f), (g), and (h), and 209.016(e); Adds Subdivisions 207.001(2-a) and 209.002(5-a); Repeals Sections 202.018(c) and (d), 209.007(b), and 209.016(a) and (c)

Author: Hughes

Sponsor: Turner

Revises provisions in the Property Code pertaining to fees, notices, and disclosures of a property owners' association. Limits the cost for delivering a resale certificate to \$375 and the cost for delivering an update of a resale certification to \$75. Requires a property owners' association to deliver subdivision information to a property owner or owner's agent within 5 business days after the second request for such information is made, and allows for increased recovery of actual damages if a property owners' association fails to do so. Requires property owners' associations to make current dedicatory instruments available on the association's website. Requires that an association's certificate of management include any amendments to the declaration, contact information for the person managing the association, and the website containing the association's dedicatory instruments. Requires an association electronically file any certificate or amended certificate with TREC within 7 days. Requires that TREC establish a system for the electronic filing of management certificates and amended certificates no later than December 1, 2021. Stipulates that any denial of request for the construction of improvements by an association's architectural review authority may be appealed to the association's board and requires that written notice of a denial and a hearing relating to the denial must be provided. Requires that at least 144 hours' notice must be given to the association's members prior to a regular board meeting, and 72 hours' notice must be given prior to a special board meeting. Requires an association give written notice to a property owner prior to reporting any delinquency to a credit reporting service. Extends the cure period to 45 days from 30 days for an owner to cure a delinquency before an association may take further collection action. Prohibits an association from reporting any delinquent sums owed that are the subject of a pending dispute between a property owner and the association. Contains requirements for advance disclosures to owners prior to a hearing by an association and that a member of the association must first present the association's case against the owner. Clarifies that an association is not prohibited

from adopting or enforcing provisions restricting occupancy or leasing.

Effective Date: September 1, 2021

House Bill 1659

Relating to the amendment of a residential subdivision's declaration to affect certain types of property located in the subdivision.

Amends Property Code Section 209.0041; adds Subsection (d-1)

Author: Murphy Sponsor: Creighton

Stipulates that the provisions of Section 209.0041 do not apply to an amendment of a declaration if the amendment would affect a portion of a subdivision that contains or previously contained (as specifically allowed under the declaration) a commercial structure, industrial structure, apartment complex, or a condominium as defined by Sections 81.002 or 81.003. Defines an “apartment complex” as two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.

Effective Date: Immediate

House Bill 1153

Relating to the applicability of the Texas Fair Housing Act to certain sales and rentals.

Amends Property Code, Section 301.041

Author: Vo Sponsor: Birdwell

Clarifies certain exemptions to applicability of Texas Fair Housing Act to certain real estate transactions. Adds definition for the phrase “in the business of selling or renting a dwelling.”

Effective Date: September 1, 2021

Title 13. Disclaimer of Property Interests

Senate Bill 286

Relating to suits affecting the parent-child relationship and child support, including the payment of spousal maintenance by an obligor ordered to pay child support and the disclaimer of a property interest by a child support obligor.

Adds Family Code, Sections 8.062, 154.0655; amends Family Code, Sections 154.066, 154.25, 154.129, 157.005(b), 157.263, 159.605(b), 234.007(a); adds Property Code, Section 240.009(e)

Author: West Sponsor: Neave

Requires that a disclaimer of property interest by an individual must contain a statement made under penalty of perjury that the disclaimant is not a child support obligor barred from making such disclaimer pursuant to Section 240.151(g) of the Property Code. Provides that failure to include this statement will not invalidate the disclaimer if not prohibited by Section 240.151(g).

Effective Date: September 1, 2021

**SPECIAL DISTRICTS LOCAL LAWS
CODE**

Title 6. Water & Wastewater

Senate Bill 1160

Relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose fees; providing authority to impose a tax; granting the power of eminent domain.

Adds Special District Local Laws Code, Chapter 9502

Author: Taylor Sponsor: Paul

Creates the Gulf Coast Protection District to build and maintain projects “for protecting the coast in Chambers, Galveston, Harris,

Jefferson, and Orange Counties,” including: (1) a coastal barrier or storm surge gate, (2) recreational facilities and environmental mitigation facilities, (3) projects recommended by US Army Corps of Engineers; and (4) projects to improve drainage or reduce flood risk. Allows annexation of counties, if recommended and approved. Provides for governance, including 11-member board (five appointed by counties, six by Governor). Authorizes District to condemn property, unless “owned or operated” by a port authority, navigation district, drainage district, or railroad. Requires voter approval of ad valorem taxes (max. \$0.05/\$100) and tax-supported bonds. Authorizes contracts and partnerships. Contains other provisions.

Effective Date: Immediate

TAX CODE

Title 1. Property Tax Code

[Senate Bill 63](#)

Relating to the property tax appraisal system, including an entitlement to a tax exemption based on the appraised value of certain renewable energy devices.

Amends Tax Code, Section 5.03 to add (d), 5.041(b), (e-1), and adds (d), 6.035(a-1), 6.054, 6.41(f), 11.27(a) and adds (a-1), amends 11.45(a), (b), (d), (e), 23.44(a), (b), (d), 23.57(a), (b), (d), 23.79(a), (b), (d), 23.85(a), (b), (d), 23.95(a), (b), (d), 23.9805(a), (b), (d), 25.193(b), 25.25(e), 41.44(d), 41.45(a), adds 41.46(f), and adds 41.67(e).

Author: Nelson Sponsor: Meyer

Allows comptroller to require items to be submitted electronically and to send items electronically, after notice. Allows required course to be completed in classroom or by distance training and education. Allows comptroller to adopt rules establishing criteria for course availability and for demonstrating course completion. Adds additional bases for individual to be ineligible to serve on the board of directors of an appraisal district. Adds 90-day requirement for removal upon learning of potential ground for removal.

Adds exemption from taxation for appraised value of a solar or wind-powered energy device for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed. Adds to timelines and process for approval of exemption and designation as agricultural use, timber land, restricted land, and airport property.

Adds to deadlines for hearings made on a motion to correct errors in the appraisal role.

Adds requirement that if form provided for property owner to protest provides boxes to indicate reason for protest that the owner’s property was appraised at a value that exceeds its appraised value, was appraised unequally, or both, the form must allow owner to select a single box to indicate that the owner is filing a protest for either or both reasons.

Adds requirement for notice of hearing to property owner to be sent by email in counties with population over 120,000.

Limits evidence or argument of chief appraiser at hearing on a protest to reason stated in the notice unless the chief appraiser provides required written notice to property owner 14 days in advance of the hearing.

Effective Date: September 1, 2021

[House Bill 3788](#)

Relating to the training and education of appraisal review board members.

Amends Tax Code, Section 5.041(b), (e-1) and adds (i).

Author: Holland Sponsor: Nelson

Allows training of appraisal review board members to be distance training in addition to classroom.

Effective Date: January 1, 2022

[House Bill 988](#)

Relating to ad valorem taxation; creating a criminal offense.

Amends Tax Code, Sections 5.103, 5.104(1), 6.03, 6.052, 11.252(d), 11.253, 21.021(a), (b), 21.031, 25.02, 25.19(b), 31.11(h), 41.44(d), 41.45, 41.461(a), 41.47, 41.66, 41A.10, 42.015(a), and 42.23(e).

Adds Tax Code, Sections 6.155, 25.19(m), (n), 41.01(c), (d), (e), 41.445, and 41A.015.

Author: Shine Sponsor: Hancock

Amends procedures for hearings of an appraisal review board. Creates a Class A misdemeanor for member of governing body, officer, or employee of a taxing unit to communicate with the appraisal district for the purpose of influencing value unless the person owns or leases the property. Allows a property owner that operates a fleet of vessels or watercraft to elect to have the vessels appraised based on number of vessels owned and other parameters and to designate the property owner's principal place of business as the situs of the fleet. Allows a property owner to request contiguous parcels or tracts to be combined into a single appraisal record. Allows a property owner who has filed a notice of protest to file request for limited binding arbitration and provides procedures for arbitration.

Effective Date: January 1, 2022; immediately for changes to Tax Code, Sections 5.103, 5.104, 6.052, 41.01, 41.461, 41.66, 42.015, and 42.23, and newly added Section 41A.015

[House Bill 2941](#)

Relating to the appointment of appraisal review board members.

Amends Tax Code, Sections 6.052(f), 6.41(d), (d-1), (d-2), (d-3), (e), (f), (g), (i), (j), and 6.412(d); Government Code, Section 411.1296(c).

Author: Burns Sponsor: Springer

Changes appointment and removal of members of appraisal review board for appraisal district to be by local administrative district judge, regardless of county population size, rather than by resolution of a majority of the appraisal district board of directors.

Effective Date: Immediate

[Senate Bill 794](#)

Relating to eligibility for the exemption from ad valorem taxation of the residence homestead of a totally disabled veteran.

Amends Tax Code, Section 11.131(b)

Author: Campbell Sponsor: Meyer

Clarifies language regarding eligibility of disabled veteran to receive ad valorem tax exemption on residence homestead.

Effective Date: September 1, 2022

[Senate Bill 1449](#)

Relating to the exemption from ad valorem taxation of income-producing tangible personal property having a value of less than a certain amount.

Amends Tax Code, Section 11.145

Author: Bettencourt Sponsor: Murphy

Increases from \$500.00 to \$2,500.00 the exemption from ad valorem taxation for the tangible personal property a person owns that is held or used for the production of income.

Effective Date: January 1, 2022

[Senate Bill 611](#)

Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty and to late applications for exemptions from such taxation for disabled members.

Amends Tax Code, Section 11.133(b), 11.431(a), and 11.439(a).

Author: Campbell Sponsor: Lopez

Adds surviving spouse of member of armed services who is fatally injured in the line of duty to be entitled to exemption from taxation of appraised value of homestead if not remarried.

Allows for late application if filed not later than five years after the delinquency date for the taxes on the property. Changes in “action” to in “line of duty”.

Effective Date: January 1, 2022

House Bill 115

Relating to the exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain homeless individuals.

Amends Tax Code, Section 11.18(p).

Author: Rodriguez Sponsor: Seliger

Adds additional real property to properties owned by charitable organizations that are entitled to an exemption from taxation based on organization ownership date, size of real property, and municipality population size.

Effective Date: January 1, 2022

House Bill 1197

Relating to the period for which certain land owned by a religious organization for the purpose of expanding a place of religious worship or constructing a new place of religious worship may be exempted from ad valorem taxation.

Amends Tax Code, Section 11.20(j).

Author: Metcalf Sponsor: Campbell

Extends the time period a tract of land contiguous to the tract of land on which the religious organization’s place of regular religious worship may be exempted from taxes from six years to ten years.

Effective Date: January 1, 2022

Senate Bill 1427

Relating to the applicability of the temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Amends Tax Code, Section 11.35

Author: Bettencourt Sponsor:
Shine

Clarifies that the term damage means “physical damage” and makes other minor changes.

Effective Date: Immediate

Senate Bill 1088

Relating to the duty of the chief appraiser of an appraisal district to provide certain information.

Amends Tax Code, Subchapter C, Chapter 11, by adding Section 11.50; amends Tax Code Section 41.413(d) and (e)

Author: Creighton Sponsor: Shine

Provides that a chief appraiser of one appraisal district may request that the chief appraiser in another appraisal district send a list of names of all individuals who currently receive an exemption in the district for which the request is made. Requires a chief appraiser that receives such a request to comply with that request. Amends Section 41.413(d) and (e) to apply only to real property.

Effective Date: September 1, 2021

House Bill 3971

Relating to the appraisal for ad valorem tax purposes of residential real property located in a designated historic district.

Amends Tax Code, Section 23.013 to add (e).

Author: Meyer Sponsor: West

Adds definition of “designated historic district” and requires chief appraiser to consider the effect of any historic district’s restriction on the property owner’s ability to alter, improve or repair the property on the property’s value for purposes of market data comparison method of appraisal.

Effective Date: January 1, 2022

House Bill 2535

Relating to the appraisal for ad valorem tax purposes of real property that includes certain improvements used for the noncommercial production of food for personal consumption.

Amends Tax Code, Section 23.014.

Author: Sanford Sponsor: Perry

Adds value of chicken coops or rabbit pens used for the noncommercial production of food for personal consumption to tangible personal property to be excluded from the market value of real property.

Effective Date: January 1, 2022

Senate Bill 725

Relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.

Amends Tax Code, Section 23.46 by adding Section 23.46(e-1) and 23.46(g)

Author: Schwertner Sponsor: Leman

Provides that a parcel of real property that otherwise qualifies as agricultural will not be diverted to nonagricultural use solely due to a condemnation of a portion of such parcel. Clarifies that if additional taxes are due because a property is diverted to nonagricultural use as a result of condemnation, then the additional taxes are the obligation of the condemning entity.

Effective Date: September 1, 2021

Senate Bill 1315

Relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain ad valorem tax laws.

Amends Tax Code, Section 25.07

Author: Lucio Sponsor: Dominguez

Provides definition for determining when a “property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce.” Provides a definition for “navigation-related commerce.”

Effective Date: September 1, 2021

Senate Bill 1421

Relating to the correction of an ad valorem tax appraisal roll and to related appraisal records.

Amends Tax Code, Section 25.25

Author: Bettencourt Sponsor: Thierry

Allows the appraisal review board to make changes in the appraisal roll or related appraisal records for the current tax year and preceding two tax years to correct an inaccuracy in the appraised value of the owner’s tangible personal property that is the result of an error or omission in a rendition statement or property report, subject to certain exceptions.

Effective Date: September 1, 2021

House Bill 1869

Relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

Amends Tax Code, Section 26.012.

Author: Burrows Sponsor: Bettencourt

Adds a list of requirements and a condition that at least one of the listed requirements must be met in order for debts of a taxing unit to be included in the definition of “debt” for a taxing unit, in addition to former requirement of only “payable ~~solely~~ from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes” for purposes of calculating certain ad valorem tax rates of the taxing unit.

Effective Date: September 1, 2021

House Bill 2723

Relating to public notice of the availability on the Internet of property-tax-related information.

Amends Education Code, Section 44.004(c); Tax Code, Sections 26.04(e-2), 26.06(b-1), (b-2), and (b-3), 26.061(b); and Water Code, Section 49.236(a).

Adds Tax Code, Sections 25.19(m), 26.052(e-1), 26.052(e-1), and 26.175,

Author: Meyer Sponsor: Bettencourt

Requires creation of property tax database to be created and maintained by a chief appraiser, to be developed by the Department of Information Resources. Requires website to list each property tax database and include a method to assist a property owner to identify the appropriate property tax database for the owner's property. Website to be located at "Texas.gov/Property Taxes". Requires notification of the availability of the website to be included in published notices of public meeting for school district's budget, notices of appraised value sent to property owner, notices of estimated amount of taxes to property owner, published notices of proposed tax rates, and notices of hearing on proposed tax rate.

Effective Date: Immediate

Senate Bill 1764

Relating to the payment of delinquent ad valorem taxes on property subject to a tax sale..

Amends Tax Code, Section 31.06

Author: Bettencourt Sponsor: Shine

Provides that for certain types of property, a collector may adopt a written policy requiring payment of delinquent taxes, penalties, interest, and costs and expenses only with United States currency, a cashier's check, a certified check, or an electronic funds transfer.

Effective Date: Immediate

House Bill 3629

Relating to the date a deferral or abatement of the collection of ad valorem taxes on the residence homestead of an elderly or disabled person or disabled veteran expires.

Amends Tax Code, Section 33.06(b), (c), (c-1), and (f).

Author: Bonnen Sponsor: Taylor

Adds the date the collector for the taxing unit delivers a notice of delinquency of the taxes as the date for calculating the time period the property may be sold at a tax sale or for case abatement, rather than the date the individual no longer owns or occupies the property as a residence homestead.

Effective Date: September 1, 2021

Senate Bill 1854

Relating to an appeal through binding arbitration of an appraisal review board order determining a protest concerning a residence homestead for which the property owner has elected to defer the collection of ad valorem taxes.

Amends Tax Code, Section 41A.10

Author: Powell Sponsor: Schofield

Provides an exception to the existing requirement that a property owner pay taxes on property subject to an appeal when the property owner has elected to defer the collection of taxes under Section 33.06 or 33.065 (Deferred Collection of Taxes on Residence Homestead of Elderly or Disabled Person or Disabled Veteran) for the subject property and for which the deferral is still in effect. Further clarifies that taxes are not considered delinquent on property subject to an appeal if the property owner has elected to defer collection of such taxes under Section 33.06 or 33.065 and the deferral is still in effect.

Effective Date: September 1, 2021

Senate Bill 1919

Relating to the authority of a property owner to participate by videoconference at a protest hearing by certain appraisal review boards.

Amends Tax Code, Section 41.45

Author: Lucio Sponsor: Schofield

Provides that a property owner may participate in a protest hearing by videoconference (in addition to the existing teleconference option), subject to certain exceptions for counties with a population less than 100,000.

Effective Date: September 1, 2021

Senate Bill 318

Relating to the records of certain condominium unit owners' associations.

Amends Property Code, Section 82.114(b), adds Section 82.1141.

Author: Huffman Sponsor: Turner

Adds requirement for condominium unit owners' associations to make the books and records, including financial records, open to examination by a unit owner, unit owner's agent, attorney, or accountant. Provides requirement for written request for the books and records. Requires association board to adopt and record procedures for costs for compilation, production, and reproduction in order to charge for items produced by the association. Requires association of eight or more units to adopt document retention policy. Allows for member of association to file petition with justice of the peace for enforcement.

Effective Date: September 1, 2021

Senate Bill 1438

Relating to the effect of a disaster on the calculation of certain tax rates and the procedure for adoption of a tax rate by a taxing unit.

Amends various sections of the Education Code, Special District Local Laws Code, Tax Code and Water Code

Author: Bettencourt Sponsor: Meyer

Clarifies the type of disaster (to exclude a pandemic/epidemic) that allows certain taxing units to increase certain applicable tax rates. Clarifies the procedure for the adoption of increased tax rate in the event of certain disasters. Intends to close loophole created by SB 2 (2019), which allowed many taxing units to increase certain tax rates during the COVID-19 pandemic by categorizing the pandemic as a "disaster."

Effective Date: Immediate

Title 2. State Taxation

House Bill 2857

Relating to certain information regarding taxpayers subject to an audit that is provided to members of the public.

Amends Tax Code Sections 111.0075(a) and (b); repeals Tax Code sections 111.0075(c), (d), (e), and (f).

Author: Frullo Sponsor: Hancock

Creates a waiting period for the Comptroller's release of taxpayer audit-related information to third-parties under a public information request. The Comptroller may not provide the information earlier than the 14th day after it mails the notice of intent to audit to the taxpayer. Removes the civil penalty for premature solicitation of taxpayer clients.

Effective Date: September 1, 2021

House Bill 1258

Relating to data matching with financial institutions to facilitate the collection of certain delinquent tax liabilities.

Amends Tax Code, Section 111.025.

Author: Ashby Sponsor: Schwertner

Requires financial institutions to exchange data each calendar quarter with the comptroller to facilitate matching the names of delinquent

taxpayers with the names of account holders. Prohibits the financial institutions from notifying the account holder when a match has been requested or made by the comptroller.

Effective Date: September 1, 2021

[House Bill 2080](#)

Relating to taxpayers' suits.

Amends Government Code Sections 403.202(a) and 403.212(e); amends Tax Code Sections 112.003, 112.051, 112.052, 112.053, 112.058, 112.059, 112.060; adds Tax Code Sections 112.201-112.208; xzsrepeals Government Code Section 402.212(e), Tax Code Sections 112.058(d) and (e), and Tax Code Sections 112.101-112.108.

Author: Leman Sponsor: Huffman

Eliminates the requirement that a taxpayer pay a disputed amount as a condition of bringing suit in district court and clarifies how disputed and undisputed amounts are determined. Comprehensively restructures current procedures and processes for taxpayer suits, including (a) payment of undisputed amounts, (b) assertion of tax liens, (c) enjoinder from collection of disputed amounts while the suit is pending, (d) period for filing suit and counterclaims, and (e) penalties and interest. Makes conforming amendments to the Government Code and pertinent sections of the Tax Code. The Bill purports to make "sweeping changes to the procedures surrounding these cases that conform to similar cases handled by the Comptroller".

Effective Date: September 1, 2021

[Senate Bill 153](#)

Relating to the exclusion of certain payment processing services from the definition of "data processing service" for purposes of sales and use taxes.

Amends Tax Code Section 151.0035.

Author: Perry Sponsor: Sanford

Amends the definition of "data processing service" to explicitly exclude merchant

debit/credit card processing services for the purposes of the Comptroller's assessment of sales/use taxes. Essentially codifies the Comptroller's historical practice of excluding these services as taxable occurrences.

Effective Date: October 1, 2021

[Senate Bill 1524](#)

Relating to a sales and use tax refund pilot program for certain persons who employ apprentices.

Amends Tax Code by adding Section 151.4292.

Author: Hughes Sponsor: Guillen

Creates a pilot program (expiring in 2026) monitored by the Texas Workforce Commission under which certain persons, certified by the TWC, are eligible for tax refunds if they employ apprentices in a "qualified apprenticeship program". Defines "qualified apprenticeship", delineates merit-based criteria for selecting certified employers, and sets limits on the number of apprentices and amount of the tax refunds. Mandates that the TWC evaluate and make a recommendation on continuation of the program in September 2024. Implementation of the program is conditioned on legislative appropriation of funds specifically for the program. The Bill's author states that it "allows a tax incentive for employers who hire apprentices, which would create more apprenticeship programs in emerging and diversifying fields".

Effective Date: January 1, 2022

[Senate Bill 938](#)

Relating to an exemption from the franchise tax and certain filing fees for certain businesses owned by veterans during an initial period of operation in the state.

Amends Business Organizations Code by adding Sections 12.005; amends Tax Code Sections 171.0001(4) and 171.063(g); adds Tax Code Sections 171.0005, 171.001(d), and 171.204(d); repeals Business Organization Code Section 12.005 and Tax Code Sections 171.0005, 171.001(d), and 171.204(d).

Author: Campbell Sponsor: Holland

Provides for Secretary of State filing fee waivers for new veteran-owned businesses relating to formation, registration, amendments, and related actions. Provides a franchise tax waiver for new veteran-owned businesses. Makes conforming changes to the Tax Code, including a definition of “new veteran-owned businesses”.

Effective Date: January 1, 2022

Title 3. Local Taxation

Senate Bill 1257

Relating to the information required to be provided by the chief appraiser of an appraisal district to the comptroller in connection with the comptroller's central registry of reinvestment zones designated and ad valorem tax abatement agreements executed under the Property Redevelopment and Tax Abatement Act.

Amends Tax Code, Section 312.005

Author: Birdwell Sponsor: Murphy

Requires a chief appraiser to provide the comptroller with the kind, number, and location of all proposed improvements of the property in connection with each tax abatement agreement.

Effective Date: September 1, 2021

TRANSPORTATION CODE

Title 3. Aviation

Senate Bill 763

Relating to the creation of the urban air mobility advisory committee.

Adds Transportation Code, Section 21.004

Author: Powell Sponsor: Cook

Directs Transportation Commission to appoint an advisory committee to “assess current state law and any potential changes to state law that are needed to facilitate the development of urban air mobility operations and infrastructure.” Specifies committee make-up. Requires public hearings,

receipt of public comments and findings and recommendations by September 1, 2022.

Effective Date: Immediate

Title 6. Roadways

Senate Bill 507

Relating to an accommodation process authorizing the use of state highway rights-of-way by broadband-only providers.

Adds Transportation Code, Section 250.002

Author: Nichols Sponsor: Anderson

Authorizes an “accommodation process” to let broadband-only providers use state highway rights-of-way “on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service” (bill’s author says it “removes a small but meaningful barrier to the deployment of broadband”). Requires minimum standards and rulemaking by Transportation Commission.

Effective Date: Immediate

Senate Bill 160

Relating to certain county road reports.

Repeals Transportation Code, Sections 251.005 and 251.018; amends Transportation Code, Sections 252.006, 256.104, and 256.106

Author: Perry Sponsor: Darby

Repeals certain reporting requirements for a county commissioner serving as a county road supervisor. Eliminates the need for a county to submit a road condition report when applying for a County Transportation Infrastructure Fund Grant.

Effective Date: Immediate

Senate Bill 941

Relating to the adoption of a state scenic byways program.

Adds Transportation Code, Section 391.256

Author: Buckingham Sponsor: Morales

Directs TxDOT to establish a program for designating certain highways (those listed in Transportation Code, Sec. 391.252, which prohibits signs) as “State Scenic Byways,” with provisions for federal grants and guidelines for designation and funding. Requires Transportation Commission, by rule, to prohibit outdoor advertising on designated Byways, consistent with federal law. Contains other provisions.

Effective Date: September 1, 2021

Senate Bill 1727

Relating to local government corporations created for the development, construction, operation, management, or financing of transportation projects.

Adds Transportation Code, Section 431.105

Author: Nichols Sponsor: Ashby

Prohibits a large county (pop. over 4,000,000, i.e., Harris County) from using a local government corporation to develop, construct, operate, manage, or finance a toll project. Imposes other restrictions, including restrictions on diversion of revenues.

Effective Date: Immediate

Title 7. Vehicles & Traffic

House Bill 1257

Relating to the definition of personal property for purposes of removing personal property from a roadway or right-of-way.

Amends Transportation Code Section 545.3051

Author: Ashby Sponsor: Nichols

Adds “unattended manufactured home” (as defined in the Occupations Code) to the list of “personal property” that a law enforcement agency may remove from a roadway without the owner’s consent if it blocks the roadway or endangers public safety (bill’s author said it “clears up a statutory grey area”).

Effective Date: September 1, 2021

UTILITIES CODE

Title 2. Certificates of Convenience & Necessity

Senate Bill 1281

Relating to a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects.

Adds Utilities Code, Sections 37.052(c), 37.056(c-1), and 39.159; amends Utilities Code, Section 37.056(d)

Author: Hancock Sponsor: King

Allows an electric utility to construct a transmission line that connects to existing transmission facilities without amending its certificate of public convenience and necessity if: (i) limited to three miles if connecting to load-serving substation or metering point, or it’s limited to two miles if connecting to generation substation or metering point, (ii) each landowner directly affected consents, and (iii) necessary right of ways have been purchased.

Effective Date: September 1, 2021

Title 4. Delivery of Utility Services

House Bill 17

Relating to a restriction on the regulation of utility services and infrastructure based on the energy source to be used or delivered.

Adds Utilities Code, Section 181.903

Author: Deshotel Sponsor: Birdwell

Forbids a regulatory authority, planning authority, or political subdivision from taking any action that directly or indirectly limits, restricts, prohibits, or discriminates against a utility service or the construction, maintenance, or installation of residential, commercial, or other infrastructure for a utility service based on the source of energy to be delivered to the end-use customer.

Effective Date: Immediate

Title 6. Private Power Agreements

Senate Bill 760

Relating to the removal of solar power facilities.

Adds Utilities Code, Chapter 302

Author: Springer Sponsor: Shaheen

Requires solar power facility agreements to impose obligations on grantees (not applicable to grantees that are electric utilities) related to the removal of equipment and restoration of the land upon decommission of facility or termination of solar power facility agreement. Requires solar power agreements to provide for financial assurances by grantee covering the cost of the foregoing responsibilities of removal and restoration. Prevents contractual waiver of the obligations under this Chapter. Allows injunctive relief for violation.

Effective Date: September 1, 2021

WATER CODE

Title 2. Water Administration

Senate Bill 211

Relating to judicial review of acts by the Texas Commission on Environmental Quality.

Amends Health and Safety Code, Sections 361.321(a) and (c); Amends Health and Safety Code, Sections 361.322(a) and (f); Amends Health and Safety Code, Section 382.032(b); amends Water Code, Section 5.351(b) and (c)

Author: Zaffirini Sponsor: Landgraf

Clarifies that the judicial review timeline under Section 5.351 of the Water Code (30 days) applies to permitting matters under the Solid Waste Disposal Act (including Administrative Orders Concerning Imminent and Substantial Endangerment) and the Clean Air Act.

Effective Date: September 1, 2021

Senate Bill 997

Relating to procedural requirements for the review of a contractual rate charged for the furnishing of raw or treated water or water or sewer service.

Adds Water Code, Sections 12.014(g) – (l) and 13.0431

Author: Nichols Sponsor: Harris

Prohibits the Public Utility Commission (“PUC”) from holding a hearing to review a rate under a written contract, or from prescribing just and reasonable amounts to be charged under a written contract unless the PUC determines the amount charged harms the public interest, and provides such determination becomes final for purposes of appeal. Authorizes a party adversely affected by such determination to seek judicial review. Requires the PUC to abate proceedings on a written contract in the event of an appeal until entry of a final judicial determination. Provides that the Administrative Procedure Act shall apply to a judicial review. Requires the PUC, before holding a hearing on or prescribing a just and reasonable rate, to allow the parties to amend the amount charged until at least 60 days after the date of a final judicial determination in an appeal, or the date the determination by the PUC that the rate does not harm the public interest becomes final, if a motion for rehearing was not timely filed. Authorizes a party to challenge the rate paid under an amended contract only after the 5th anniversary of amendment or during a period agreed to that begins after the 5th anniversary and ends on or before the 25th anniversary of that date.

Effective Date: September 1, 2021

[House Bill 837](#)

Relating to the procedure for amending or revoking certificates of public convenience and necessity issued to certain retail public utilities.

Amends Water Code, Sections 13.254(a-3), 13.2541(f), and 13.255

Author: Lucio Sponsor: Zaffirini

Requires petitioner to submit a report to the Public Utility Commission (“PUC”) verifying that compensation has been paid to the certificate holder, if compensation was awarded by the PUC as part of a release. Requires a municipality or a franchised utility to submit a report to the PUC verifying that the municipality or franchised utility has paid the required compensation to a retail public utility if single certification is granted to the municipality or franchised utility.

Effective Date: September 1, 2021

[House Bill 1484](#)

Relating to rates applied to certain water or sewer systems after a sale or purchase of the system.

Adds Water Code, Section 13.3011

Author: Metcalf Sponsor: Springer

Authorizes person who files an application with the Public Utility Commission for the acquisition of a water or sewer system to request that the regulatory authority with original jurisdiction over the rates for the water or sewer system to authorize that person to charge initial rates that are filed by the person for another existing water or sewer system. Prohibits the regulatory authority to require a person who makes such a request to initiate a new rate proceeding to establish the initial rates for the purchased or acquired system.

Effective Date: September 1, 2021

[House Bill 1905](#)

Relating to relieving regional water planning groups of certain duties.

Amends various sections of Water Code, Chapter 15; amends Water Code, Section 16.131(b); repeals Water Code, Sections 15.436 and 16.053(q)

Author: Harris Sponsor: Taylor

Removes certain requirements under bond enhancement agreements. Removes requirement that regional water planning groups prioritize projects in their regional water plans and therefore deletes such criteria for rule making or prioritizing projects by the Texas Water Development Board. Removes requirement that regional water groups as part of their regional water plans submit reports regarding water infrastructure project financing.

Effective Date: September 1, 2021

[House Bill 2225](#)

Relating to the powers and duties of the Parks and Wildlife Department regarding the Texas Water Trust.

Adds Parks and Wildlife Code, Section 12.028; amends Water Code, Section 15.7031

Author: King Sponsor: Zaffirini

Grants power to Texas Parks and Wildlife Department to encourage and facilitate the dedication and donation of and water rights to the Texas Water Trust. The Texas Parks and Wildlife Department may also manage water rights in the Texas Water Trust.

Effective Date: September 1, 2021

[Senate Bill 600](#)

Relating to an inventory of dams controlled by river authorities.

Adds Water Code, Section 12.053

Author: Perry Sponsor: King

Requires river authorities subject to a limited review under the Texas Sunset Act to provide the Texas Commission on Environmental Quality an annual (or when a significant event

occurs) maintenance and operations report of dams under the river authority's control. Requires river authority to maintain a website containing the information in the reports subject to state and federal confidentiality laws.

Effective Date: September 1, 2021

Senate Bill 387

Relating to the appeal of rates for water or sewer service charged to certain customers of a municipality.

Amends Water Code, Section 13.043(b); Adds Water Code, Section 13.043(b-4)

Author: Schwertner Sponsor: Wilson

Allows ratepayers outside the corporate limits of a municipality to appeal a rate increase from municipally owned utility that takes over service previously provided by another retail public utility, unless the takeover is (1) at the request of the ratepayer, (2) done by merger or sale, or (3) required under law or order by the Public Utility Commission ("PUC") or Texas Commission on Environmental Quality. Provides a petition for review can be filed with the PUC not later than December 1, 2021 if the municipally owned utility began providing service on or after September 1, 2016, but only applies to rates the municipally owned utility has not changed since it began providing service.

Effective Date: September 1, 2021

House Bill 3689

Relating to the appeal of rates charged for water or sewer service by certain retail public utilities.

Amends Water Code, Section 13.043(j)

Author: Cortez Sponsor: Gutierrez

Clarifies that in an appeal to rates charged by a municipally owned utility to outside city limit customers that the Public Utility Commission's jurisdiction is limited solely to the appealed rate.

Effective Date: September 1, 2021

House Bill 3476

Relating to certificates of convenience and necessity issued to water utilities inside the boundaries or extraterritorial jurisdiction of certain municipalities.

Amends Water Code, Section 13.245(b), (c-3), (c-4), and (c-5); adds Water Code, Section 13.245(c-6)

Author: Schofield Sponsor: Bettencourt

Provides the Public Utility Commission ("PUC") must require as a condition to a new retail public utility's certificate of convenience and necessity ("CCN"), granted for a service area within the extraterritorial jurisdiction of a municipality, that all water and sewer facilities be designed and constructed in accordance with the PUC's standards (as opposed to the municipality's standards) for water and sewer facilities (i) applicable to water systems serving greater than 250 connections, or (ii) applicable to water systems serving fewer than 250 connections – if the PUC also determines that those standards are appropriate and regionalization or consolidation with another retail public utility is not economically feasible

Effective Date: September 1, 2021

House Bill 1904

Relating to the use of the water infrastructure fund.

Amends Water Code, Section 15.974(a) and Section 17.9616(b)

Author: Harris Sponsor: Kolkhorst

Removes transfer limitations of water infrastructure funds.

Effective Date: September 1, 2021

Senate Bill 669

Relating to certain reports created by the Texas Water Development Board.

Amends Water Code, Section 16.403(d); repeals Agricultural Code, Section 201.0227(d-1)

Author: Springer Sponsor: Lucio

Eliminates requirement for biennial report and instead requires Texas Water Development Board (“TWDB”) to make publicly available the most recent data relating to statewide water usage in the residential, industrial, agricultural, commercial, and institutional sections as well as the data collection and reporting programs for municipalities and water utilities with more than 3,300 connections. Eliminates the requirement for TWDB to prepare a report for the repair and maintenance needs of certain dams.

Effective Date: September 1, 2021

Title 4. General Law Districts

House Bill 2951

Relating to the appointment and removal of directors of a levee improvement district; validating certain appointments and actions of certain levee improvement districts.

Amends Section 57.053 of the Water Code

Author: Jetton Sponsor: Kolkhorst

Provides that a vacancy on an appointed board of a levee improvement district is filled by the appointment of a director by a majority vote of commissioners court. Requires director appointed to fill a vacancy be qualified for election as a director under Water Code, Section 57.059. Authorizes commissioners’ court to remove a director who was appointed by the commissioners’ court. Requires vacancy on an elected board to be filled in accordance with Water Code, Section 49.105.

Effective Date: Immediate

END OF REPORT

COMMITTEE ROSTER

Real Estate Legislative Affairs Committee for the 87th Legislative Session

Chair:

John H. "Jack" Miller, III
Jack Miller Law, PLLC
PO Box 8218
Houston, TX 77288
281/231-8969 Tel.
jack@htxrealestatelaw.com

Chair Emeritus:

Richard A. Crow
Clark Hill Strasburger
909 Fannin St. Ste. 2300
Houston, TX 77010
713/951-5615 Tel.
rcrow@clarkhill.com

Vice Chair:

James L. Dougherty, Jr.
Attorney at Law
12 Greenway Plaza, Suite 1100
Houston, Texas 77046
713/880-8808 Tel.
281/220-8984 Fax.
jim@JLDJR.com

Vice Chair:

Samantha Dyal
Valero Companies
One Valero Way
San Antonio, Texas 78249-1616
210/345-2784 Tel.
210/345-2988 Fax.
samantha.dyal@valero.com

Vice Chair:

Jack P. Turano III
HaynesBoone
1221 McKinney St., Ste. 4000
Houston, TX 77010
713/547-2239 Tel.
jack.turano@haynesboone.com

Political Affairs Advisor:

Mark McPherson
McPherson Law Firm PLLC
100 Crescent Court, Ste. 700
Dallas, Texas 75201
214/722-7096 Tel.
mark@texasenvironmentallaw.com

Legislative Counsel:

Sarah P. Senterfitt
Attorney at Law
Austin, Texas
512/517-8626 Tel.
spsenterfitt@austin.rr.com

REVISED 6-10-21

MEMBERS

Claire M. Barber

Polunsky Beitel Green, LLP
4265 San Felipe St. Ste. 1100
Houston, Texas 77027
713/257-9124 Tel.
361/772-1887 Cell
claire.barber@mortgagelaw.com

Lorin Williams Combs

Winstead PC
401 Congress Ave., Ste. 2100
Austin, Texas 78701
512/370-2851 Tel.
214/763-3033 Cell
lcombs@winstead.com

COMMITTEE ROSTER

Real Estate Legislative Affairs Committee for the 87th Legislative Session

Stephen A. Cooney

Gray Reed & McGraw LLP
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
713/986-7214 Tel.

scooney@grayreed.com

Mark Hines

Hines & Maxwell, PLLC
502 N. Ridgeway
Cleburne, TX 76033
817/357-8755 Tel.

mark@hinesmaxwell.com

Jerry Lott, Jr.

Winstead PC
401 Congress Ave. Ste. 2100
Austin TX 78701
512/370-2866 Tel.

jlott@winstead.com

Lindsey Jandal Postula

Gray Reed & McGraw LLP
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
713/986-7130 Tel.

lpostula@grayreed.com

Ashlee E. Ross

Director, Real Estate Services
University of Texas MD Anderson Cancer Center
Unit 717
PO Box 301439
Houston, Texas 77230-1439
713/792-1086 Tel.

aeross@mdanderson.org

Jason Smith

Norton Rose Fulbright
111 W. Houston St. Ste. 1800
San Antonio, TX 78205
210/270-7124 Tel.

jason.smith@nortonrosefulbright.com

Joseph Goddard

Gray Reed & McGraw LLP
1601 Elm Street, Ste. 4600
Dallas, TX 75201
469/320-6211 Tel.

jgoddard@grayreed.com

Michael A. Jacobs

Law Office of Michael A. Jacobs
PO Box 20386
Houston, Texas 77225-0386
713/840-9700 Tel.

713/249-1689 cell

michaeljacobs@swbell.net

Tom Misteli

Law Office of Thomas M. Misteli, PC
652 Harter Rd.
Dallas, Texas 75218-2114
972/922-1014 Tel.

tom@mistelilaw.com

Cole Robinson

Gray Reed & McGraw LLP
1601 Elm Street, Ste. 4600
Dallas, TX 75201
469/320-6121 Tel.

crobenson@grayreed.com

Stephen B. "Steve" Schulte

MacDonald Companies
PO Box 295076
Kerrville, TX 78029
830/257-5323 Tel.

sschulte@macdonald-companies.com

Katherine VanWagner

Latham & Watkins LLP
811 Main St. Ste. 3700
Houston, TX 77002
713/546-7927 Tel.

Katie.vanwagner@lw.com

COMMITTEE ROSTER

Real Estate Legislative Affairs Committee for the 87th Legislative Session

Brenda A. Hard-Wilson

Higier Allen & Lautin, P.C.
2711 N. Haskell Ave. Ste. 2400
Dallas, TX 75204
972/371-2481 Tel.

Bhard-wilson@higierallen.com

James I. Wiedemer

Attorney at Law
3334 Richmond Ave., Ste. 100
Houston, Texas 77098
713/664-5008 Tel.
713/703-1339 Cell

jiwiedemer@aol.com