

By: Baxter

H.B. No. 2266

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of municipalities to enact requirements
3 that establish the sales price or limit the eligible buyers for
4 certain housing units or residential lots.

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

6 SECTION 1. Subchapter Z, Chapter 214, Local Government
7 Code, is amended by adding Section 214.904 to read as follows:

8 Sec. 214.904. PROHIBITION OF CERTAIN MUNICIPAL
9 REQUIREMENTS REGARDING SALES OF HOUSING UNITS OR RESIDENTIAL LOTS.

10 (a) A municipality may not adopt a requirement in any form,
11 including through an ordinance or regulation or as a condition for
12 granting a building permit, that:

13 (1) has the effect of establishing a maximum sales
14 price for a housing unit or residential building lot; or

15 (2) requires a housing unit or residential building
16 lot to be designated for sale to any particular class or group of
17 purchasers defined by income or wealth.

18 (b) This section does not affect any authority of a
19 municipality to create or implement an incentive, contract
20 commitment, density bonus, or other voluntary program designed to
21 increase the supply of moderate or lower cost housing units.

22 SECTION 2. A requirement of a municipality that violates
23 Section 214.904, Local Government Code, as added by this Act, is
24 void on the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2005.