



## **CAI Texas/TCAA LEGISLATIVE SESSION UPDATE**

### **TCAA Minute – January 25, 2021**

#### **Community Association Legislation**

There are dozens of bills already filed this legislative session that could impact Texas community associations and homeowners. CAI Texas Chapters and TCAA are monitoring these bills and will work with legislators either in show of our support, or as needed, to communicate our concerns regarding any adverse impact the bills may have on our communities and homeowners and work with them in furtherance of our stakeholders' interests. Here is a sampling of some of the bills we are watching:

HB 429 (King) relates to the coverage of damage from tornadoes and wildfires by the Texas Windstorm Insurance Association (TWIA). The bill seeks to expand the Texas Insurance Code to include statewide insurance coverage for tornadoes and wildfires.

HB 485 (Wu) allows a property owner to petition for removal from the property records a provision that is unconstitutional, unenforceable, or unambiguously discriminatory.

HB 801 (Cortez) would require that "emotional support" animals be certified by the Texas Medical Board to qualify as an Assistance Animal under the Fair Housing Amendments Act. The program would require that such animals successfully complete an obedience-training course and be evaluated by a veterinarian. It would also require that the primary owner be evaluated by a mental health professional to determine that the owner has a qualifying disability. The bill does not apply to service dogs for purposes of the Americans with Disabilities Act of 1990 – such as a seeing-eye dog or other assistance animal.

HB 875 (Lopez) adds age and housing needs to the list of protected classes of individuals under the state statute prohibiting discrimination in housing. The age protection would apply to those 65 and over. The proposed housing needs protection relates to an individual's needs that result from his or her age – such as the need to move into a group home or assisted living facility.

#### **Texas House and Senate Reveal First Drafts of State Budget**

On Thursday, Senator Jane Nelson filed the Senate's base budget, beginning the legislative process for developing the state's next biennial budget. SB 1 appropriates \$251.2 billion in all funds and \$119.7 billion in general revenue. In raw numbers, this is a small increase from the last budget, but actually about 3 percent less when adjusted for population and inflation, and still about \$7 billion more than Comptroller Glenn Hegar projects in available revenue. In filling the budget gap, lawmakers will be aided by federal CARES Act funding, the availability of \$11.6 billion in the Texas Economic Stabilization Fund ("Rainy Day Fund"), and a number of short-term accounting tricks. It is also possible that Hegar could revise his revenue estimate later in the legislative session if economic conditions improve.

Highlights of SB 1 include:

- Full funding for the changes made by HB 3 last session to the school finance formulas, including \$3.1 billion in new money to fund student enrollment growth and \$1 billion in additional state aid related to property tax compression
- Combined projected funding of \$8 billion for mental health across 24 state agencies
- An increase of \$10.2 million for women's health programs (for a total of \$352.6 million), including the continuation of the Healthy Texas Women program's enhanced post-partum care services
- \$39.1 million in new appropriations to fortify security at the Texas Capitol, including additional troopers and enhanced safety measures

Speaker Dade Phelan has also revealed the House's version of the base budget, which is very similar to the Senate proposal, including the same \$119.7 billion in total general revenue appropriations. Highlights include full funding for the changes made last session to the school finance formulas, an increase of \$26 million in general revenue for behavioral and mental health services (\$3.3 billion total), and maintenance of border security funding across multiple agencies at \$800 million in general revenue.

### **Governor Abbott Outlines Legislative Priorities**

In a series of speeches and roundtable over the last week, Governor Greg Abbott has given a preview of his legislative agenda for this year. He has organized his policies into three broad categories: a Healthier Texas, a Safer Texas, and a Freer Texas. His health care priorities include expanded telehealth and telemedicine services, increased access to mental health services, and requiring health insurance protections for pre-existing medical conditions.

Abbott's Safer Texas proposals include withholding tax revenue from local governments that attempt to reduce funding for police departments. The governor is also working on bail reform legislation that would end the "revolving door" in Texas that sometimes results in dangerous persons being improperly released from jail. On the topic of homelessness, Abbott also warned the City of Austin that he will support a statewide

camping ban if the city does not change its current ordinance allowing camping in public. The governor has been a vocal critic of Austin's policies related to public safety and homelessness.

To ensure a Freer Texas, Abbott supports making Texas a "Second Amendment Sanctuary," which would mean preempting any local laws that overly restrict gun ownership. The governor also wants to protect religious freedoms and ensure that the Texas public school curriculum highlights civic pride and constitutional rights.

### **Community Association Issues**

We hope to hear from you about the issues of concern to you and your neighbors, and also encourage you to share your support of community associations with your local legislators. For more information on the Texas Legislature and updates on our activities and events, please visit [www.caionline.org/txlac](http://www.caionline.org/txlac) and [www.txcaa.org](http://www.txcaa.org).