

City of Houston, Texas, Ordinance No. 2022- 344

AN ORDINANCE AMENDING AND READOPTING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO GUIDELINES AND CRITERIA FOR TAX ABATEMENTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, a municipality that desires to become eligible to participate in tax abatement must, pursuant to Section 312.002(a) of the Texas Tax Code, establish guidelines and criteria governing tax abatement agreements and elect to become eligible to participate in tax abatement; and

WHEREAS, Section 312.002(c) of the Texas Tax Code provides that the guidelines and criteria adopted by a municipality are effective for two (2) years from the date adopted; and

WHEREAS, City Council last adopted guidelines and criteria for tax abatement pursuant to Ordinance No. 2020-424 effective May 19, 2020, as amended by Ordinance No. 2020-1091 effective December 16, 2020, which guidelines and criteria will expire on May 19, 2022, as provided in Section 44-138 of the Code of Ordinances, Houston, Texas; and

WHEREAS, to continue to be eligible to participate in tax abatement, City Council desires to extend the expiration date of the guidelines and criteria for tax abatement by amending Section 44-138 of the Code of the Ordinances, Houston, Texas, and readopt, as amended, the guidelines and criteria for tax abatement, to be codified in Article IV of Chapter 44 of the City Code, to be effective in accordance with Section 8 of this Ordinance; and

WHEREAS, pursuant to Section 312.002(c-1) of the Texas Tax Code, before City Council may adopt, amend, repeal, or reauthorize guidelines and criteria for tax abatement, City Council must hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which members of the public are given the opportunity to be heard; and

WHEREAS, City Council held a public hearing regarding the proposed amendment to and re-adoption of guidelines and criteria for tax abatement on April 20, 2022; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That the City elects to continue its eligibility to participate in tax abatement.

Section 3. That Section 44-138 of the Code of the Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 44-138. Sunset provision.

These guidelines and criteria for tax abatement are readopted and will expire on May 19, 2024.¹ These guidelines and criteria shall apply to all applications subsequently considered by city council prior to the expiration date. At the expiration of these guidelines and criteria, all reinvestment zones and agreements created and entered into pursuant to these provisions shall be reviewed to determine whether the goals have been achieved. Based on that review, the guidelines and criteria shall be modified, renewed or eliminated. The expiration of these guidelines shall not affect the validity or enforceability (for the full term thereof) of any agreement entered into when these guidelines were in effect.”

Section 4. That City Council hereby readopts the guidelines and criteria for tax abatement, which are codified as Article IV, Chapter 44 of the Code of Ordinances, Houston, Texas, as amended by Section 3 of this Ordinance.

Section 5. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

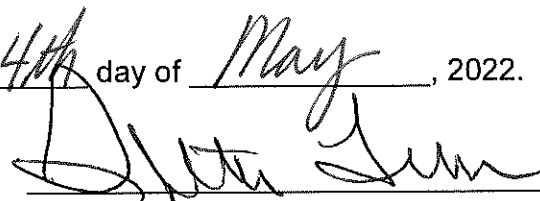
¹ City Secretary to insert month and day of effective date of this Ordinance.

Section 6. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 7. That the provisions of this Ordinance shall apply to complete tax abatement applications filed on or after the effective date of this Ordinance. All complete applications for tax abatement filed prior to May 19, 2022, shall be processed and considered, as appropriate, pursuant to the provisions of Article IV, Chapter 44, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this Ordinance, and the former provisions of Article IV, Chapter 44 of the Code of Ordinances are saved for that limited purpose.



Section 8. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the later of May 19, 2022, or the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 4th day of May, 2022.



Mayor of the City of Houston

Prepared by Legal Dept.
JN:asw 04/08/2022
Requested by Andrew F. Icken, Chief Development Officer
L.D. File No. 042-220022-001

DocuSigned by:  

Assistant City Attorney

Meeting 5/04/2022

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
Absent on personal business		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
Absent on personal business		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW
 Date: 5/10/2022