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NEWSLETTER

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APRIL 2023

Texas Legislative Bills - Neighborhood Alert

The Texas Legislature has several bills in this session that could greatly impact life in neighborhood communities. These include:

S.B. 1787 Bettencourt, Companion **H.B. 3921** Goldman - Applies to counties with over 300,000

- Municipality cannot require:

§ Lot to be over 1,400 square feet, wider than 20 feet or deeper than 60 feet

§ Density of dwelling cannot be less than 31.1 unit

§ Front setback of greater than 10 feet

§ More than 30% permeable cover

§ Fewer than 3 full stories

S.B. 491 Hughes Hefner, Companion **H. B. 2198** Hefner, - For cities with a population of more than 725,000 (this includes Dallas, Fort Worth, Austin, San Antonio and Houston), municipality cannot limit building height on property more than 50 feet from triggering lot (home) (compatibility)

H.B. 2665 Gates

- A municipality or county *may not adopt or enforce a local law* that:

§ limits the use of a property as a short term rental



§ or regulates the duration or frequency

§ or number of occupants

H.B. 2367

Lozano

- A political subdivision may not adopt or enforce an ordinance that

prohibits or limits the use of a property as a residential amenity rental

S.B. 1412 Hughes, Companion **HB 2789** by Holland
Accessory Dwelling Unit Bill

- Municipality cannot prevent the building of an accessory dwelling unit:

§ Which can only be limited in size by being smaller than the main unit and can never be required to be smaller than 1,000 square feet.

§ If lot is over 10,000 square feet, 2 accessory dwelling units can be built

§ Accessory dwelling units are not limited by impervious cover limits

See Legislative Bills continued on page 2

Austin Energy to Begin Tree Work Soon for Line Clearance in Crestview

Austin Energy (AE) will be working Crestview pruning and removing trees from near the electric lines. The National Electric Safety Code requires AE to maintain lines to ensure the safety of customers and maintain reliable electric service to the neighborhood.

Before any work actually begins on the trees, AE will attempt to contact each property owner that has trees that may be affected by the work. Contract notifiers and AE staff will work with each property owner to attempt to reach an agreement on the work to be performed on the property. Notification process is as follows:

- Contract notifiers evaluate each property to determine the proposed work to be done.
- If the property owner is not home, a door hanger with the details of the proposed work will be left at the residence, unless there is no house or structure.
- The notifiers will attempt to contact the property owners by telephone to discuss the proposed work.
- If the property owner can still not be contacted, a certified letter will be sent to them with a copy of the proposed work to be done.

During this process, each property owner may request the following actions from Austin Energy and its Contract personnel:

- You may request an on-site meeting with a Contractor representative to review the proposed tree work.
- You may request an on-site meeting with an AE employee to discuss the proposed tree work.
- You may request to have a third-party present during the meetings.
- You may request modifications to the proposed tree work.
- You may request to not have trees removed on your property.
- You may request to be present when the treework is performed.
- You will receive a written work plan documenting the final plan for your property.
- You may request pricing on potential electric system modification to minimize or reduce tree work.

AE is always available to answer any of your questions or concerns about the proposed tree work and any possible tree replacements for your neighborhood or individual properties. If you have any questions or concerns, please contact Lloyd McMillan at (512) 505-7563.

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CNA General Meetings are held the second
Monday of every month at 7:00 PM at the
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Neighborhood Email Groups

crestview-gardeners@googlegroups.com
crestview-parents@googlegroups.com

Legislative Bills continued from page 1

H.B. 3135 Stucky

Governing body must review land use regulations and shall repeal or amend a regulation that interferes with the production of new housing or development related to existing housing.

H.B. 4637 Sherman, resurrection of HB1514 Holland

Valid Petition against rezoning to force a supermajority vote upped from 20% to 50%

HB 1526 Harris

This bill makes it much more difficult for a city to get parkland from large developments,

If you want to convey your concerns or thoughts regarding these bills, you can write or call your your local legislator, Senator Sarah Eckhardt and the the chairman and members of the committees. All of the Senate bills go to the Senate Local Government Committee and all of the house bills go the House Land and Resource Committee.

The member of the Senate Local Affairs Committee are:

***Chair:** Paul.bettencourt@Senate.texas.gov (512)463-0107

***Vice-Chair:** Drew.springer@senate.texas.gov (512) 463-0130

***Sen. Eckhardt:** Sarah.eckhardt@senate.texas.gov (512) 463-0114

***Sen Gutierrez:** Roland.gutierrez@senate.texas.gov (512) 463-0119

***Sen. Hall:** Bob.hall@senate.texas.gov (512) 463-0102

***Sen. Nichols:** Robert.nichols@senate.texas.gov (512) 463-0103

***Sen. Parker:** Tan.parker@senate.texas.gov (512) 463-0112

***Sen Paxton:** Angela.paxton@senate.texas.gov (512) 463-0108

***Sen. West:** Royce.west@senate.texas.gov (512) 463-0123

The members of the House Land and Resource Committee are:

***Chair:** Burns.Dwayne@house.texas.gov 512-463-0538

***Vice Chair:** Rogers.glenn@house.texas.gov 512-463-0656

***Rep. Bell:** Cecil.Bell@house.texas.gov 512 463-065

***Rep. Bell:** keith.bell@house.texas.gov 512-463-0458

***Rep. Buckley:** brad.buckley@house.texas.gov 512-463-0684

***Rep. Ortega:** lina.ortega@house.texas.gov 512-463-0638

***Rep. Reynolds:** ron.reynolds@house.texas.gov 512-463-0494

***Rep. Schofield:** mike.schofield@house.texas.gov 512-463-0528

***Rep. Sherman:** carl.sherman@house.texas.gov 512-463-0953

You can also submit a house public comment form at https://comments.house.texas.gov/home?link_id=3&can_id=84fb051ac2a2878dcd89769058759c&db&source=email-urgent-get-ready-for-monday-hearing-on-worst-bill&email_referrer=email_1869096&email_subject=final-hearing-worst-bill-in-tx-house-tomorrow.

What SB 1787 means to neighborhoods

Any residential lot in Austin can be subdivided into lots that can only by required to be 20 feet wide, 60 feet deep and 1400 square feet. The lots must allow 31 units per acre and 3 full stories. The setback from the street is only required to be 10 feet and the impervious cover can be 70%. Many cities have been testifying at the legislature.

One Texas city wrote about these concerns:

A twenty foot wide lot with 5 foot setback yields a 10 foot wide house, suitable for a "tiny home" but not family housing.

Police, fire and other city services are located and constructed based on existing distribution of housing, changing this can negatively impact a city's ability to ensure basic needs are met.

Storm water systems are engineered for certain land use densities and lot coverages. Ignoring this disregards the design and risks flooding of homes.

(Editor's note: Thank you to Barbara McArthur of the Brentwood Neighborhood Association and Vice-President of the Austin Neighborhoods Council for following and compiling the information on legislative bills affecting our neighborhoods.)



Someone is sitting in the shade today because someone planted a tree a long time ago.

Warren Buffett

And into the forest I go, to lose my mind and find my soul.

John Muir

The best time to plant a tree was 20 years ago. The second best time is now.

Chinese proverb



New Residential Electric Rates Challenge Austin's Equity and Conservation Goals

By Paul Robbins, Environmental Activist

Almost two years after Winter Storm Uri crippled the unprepared Texas electric system and knocked out power to 40 percent of buildings, Winter Storm Mara slammed a broad swath of Texas. The weight of freezing rain that clung to trees brought them down on power lines and power poles, knocking out electricity not only for Austin Energy (AE) customers but also a noticeable percentage of customers in at least 30 other Texas counties.

At the worst point, about a third of AE customers were without power. Restoring their power was exponentially complicated by the need to remove thousands of downed tree limbs, install new power lines and poles, gain access to seldom-used utility easements bordering private property and do almost all that in cold weather. It took almost two weeks to restore power to all customers.

AE has been lambasted by critics from across the local political spectrum. Still haunted by the post-traumatic stress of extended massive power outages suffered during Winter Storm Uri two years ago, its customers are bitterly angry at what they viewed as incompetence. City Manager Spencer Cronk was fired in mid-February, partially based on his perceived mishandling of the situation.

But if you think confidence in Austin's City government cannot go any lower, you probably need to adjust your expectations.

On March 1st, AE began levying its new rate increase that raised electric bills for the majority of residential customers. It will punish poor people. It will discourage energy conservation by making Austin's rates more "regressive," meaning consumers who use the least amount of electricity

will receive the steepest increases in electric rates, while customers such as mansion owners who use the most power will receive no increase or even a slight decrease.

This is a massive reversal of longstanding precedents on energy efficiency and financial equity that have been in effect for decades for the city-owned electric utility.



How new rates punish, reward council districts

Using data supplied by AE, I have analyzed how the new rates effective March 1st will affect each City Council District based on actual consumption in 2021.

Austin Energy could have conducted this analysis on its own. However, there is a high probability that it did not pursue this because it would have discouraged the City Council from approving the new rate structure.

The analysis revealed that, in a city that proclaims equity and energy conservation as almost-sacred community values, AE's new electric rate system has failed abysmally in distributing the new rate increase fairly.

District 3, Austin's poorest area when measured by households with low to moderate incomes, will experience a 23 percent rate increase, followed closely by District 7 at 22 percent, Districts 4 and 9 at 21 percent and District 5 at 20 percent.

On the other end of the spectrum, the most affluent Districts 8 and 10 will be much less affected by the rate increase, as will District 2. The 12 percent rate increase in District 10 is roughly half of what it is in District 3 yet the average residential consumption in District 10 is 53 percent higher than District 3.

See Electric Rates continued on page 4

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In fact, 4 percent of residential customers will literally see no increase at all or even a slight decrease. This relatively small number of customers has a gargantuan appetite for power, consuming 13 percent of all the residential electricity in the city of Austin.

The rate increases are directly inverse to consumption: the less you use, the greater the increase. The new rate structure punishes consumers who use less energy because they are either poor or choose to conserve energy.



As acknowledged by rate experts for decades, energy consumption and income are inextricably linked. As a rule, people with higher incomes use more power because they can afford the additional service for more comfortable homes, more space in these comfortable homes, and more gadgets and appliances.

Interestingly, two of the poorer East Austin Districts 1 and 2 were not harmed as much as might be expected. Both districts will receive rate increases lower than Districts 3 and 4.

I looked for clues as to why this is occurring from zip code data in the U.S. Census American Community Survey. While zip codes do not precisely match Austin's single member district boundaries, some zip codes fall largely or totally within them.

The difference appears to be, in a phrase, more all-electric dwellings. Homes in Districts 1 and 2 are newer than some other areas of Austin. The land is often undeveloped and cheaper, providing fodder for new subdivisions. These newer buildings tend to be larger with more rooms, and a large

percentage of them are without natural gas service.

All-electric heating is less expensive to install than natural gas, so apartment builders and low-end tract home builders have a preference for electric. Although this may lower the cost of housing, it drives up electric consumption. So while the homes in Districts 1 and 2 consume more power than homes in Districts 3 and 4, because of the new and more regressive rate structure, their per-unit cost will be less.

Since all-electric heating drives up summer and winter peak demand for electricity, it drives up all customers' bills to pay for the needed additional capacity. One would think AE would have more of an interest in mitigating the effects with stricter building codes that require more efficient structures or by offering more rebates for high-efficiency heating and water heating. But such foresight in utility planning is not apparent.

A brief history of energy and equity in Austin

It's rare for an Austin City Council meeting to be conducted without some mention of equity. The word comes up repeatedly in discussions about affordable housing bonds, the Austin Housing Authority, the City's nine-person Equity Office and helping or housing the homeless. In the current fiscal year, Austin has budgeted \$79 million for homelessness response and at least \$59 million for affordable housing.

Austin has a long history of helping lower-income customers with their energy bills going back to the 1970s.

These efforts began around 1977 with the City's administration of a federal grant program to weatherize low-income homes. AE took over funding of this program in the early 1980s, and continues to do so.

In 1981, Austin created a "lifeline" electric rate structure to make bills more affordable. It consisted of a two-tiered rate structure that charged less for the first 500 kilowatt hours. This rate was created to give low-income households a break on their bill and incentivize energy conservation.

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In 1989, the City created a program to weatherize multifamily units. Though not specifically created to help low-income people, the income of people in rental units is typically well below incomes of people in owner-occupied housing.

Austin's SMART (Safe, Mixed-Income, Accessible, Reasonably priced, Transit-oriented) Housing program waives certain fees if a developer agrees to achieve a certain standard of affordable housing, which includes participation in the AE Green Building program that includes saving electricity.

In 2013, a five-tiered rate structure that made Austin's residential rates even more progressive replaced the two-tiered system, and imposed even higher costs for large consumers. This five-tiered structure was reaffirmed when rates were changed again in 2017.

In both of these rate cases, AE attempted to make the five-tiered rate structure much more regressive by offering lower per-unit cost for higher consumption. Its attempts were beaten back by the consumer advocates and instead Austin's rate structure became one of the most progressive in Texas.

Austin's conservation programs and, up until now progressive rates, have been tremendous tools to help fight climate change.

A quantum leap backwards

In the 1980s the City's focus on rewarding conservation was expressed politically through the strategy that energy saving programs were, in effect, creating a "conservation power plant," meaning that reduced consumption would avoid the need to build costly new power plants. Now the impressive achievements accomplished by progressive electric rates are being undercut as the utility has succeeded in gaining City Council approval to partially reverse the conservation strategy.



In 2022, during the bitterly fought rate case—in which I was one of some 10 active interveners—Austin Energy claimed it could not pay its bills if the rate structure was not radically changed, calling progressive rates a "brutal price signal to focus on conservation." Yet after the more steeply progressive rates went into effect in 2013, AE accrued a surplus leading to a rate reduction four years later.

The utility won its new rate structure with the City Council's 7-4 December vote.

While the new rate structure will hurt a vast number of electric consumers, it could have been worse. AE's original proposal was profoundly more regressive. Instead of giving no rate increase or a slight (2 percent) rate decrease to large consumers living in mansions, it proposed rate decreases as high as 40 percent. It is highly likely that in the next rate case, the utility will come back to seek what it did not win this time.

Lost in these discussions is how the public will respond. Many people do not read the news closely, or understand the issues and political machinations of a rate case. But they do read their utility bills.

It would be unwise for City officials to lecture Austin ratepayers about the need for shared sacrifice and "taking one for the team." After Winter Storms Uri and Mara, most of them figure they already have.

(Editor's note: Paul Robbins is an environmental activist and consumer advocate who has lived in Austin for five decades. He is editor of the Austin Environmental Directory, a sourcebook of environmental issues, products, services, and organizations in Central Texas. The publication has been offered free to the public since 1995, and can be accessed online at <https://environmentaldirectory.info/>. The full version of this article is available at <https://environmentaldirectory.info/the-wrong-side-of-town/>.)

Thank you, Crestview!



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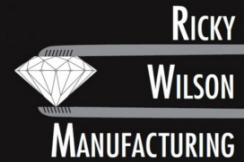
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