



June 2nd, 2026

Chairman Vasut and Members
House Select Committee on Governmental Oversight
Texas House of Representatives

RE: Written Testimony on Texas Regulatory Consistency Act

Chairman Vasut and Members of the Committee:

Thank you for the opportunity to provide written testimony regarding the Texas Regulatory Consistency Act. I write in strong support of the Act and urge the Legislature to build upon it.

The Act was a necessary response to a real problem: local governments using ordinances, permitting schemes, licensing requirements, labor mandates, housing rules, and business regulations to create a patchwork of local regulatory regimes across Texas. A small business should not need a compliance department or a team of attorneys simply to operate in more than one Texas city. Texas should have clear, consistent statewide rules in areas where the Legislature has already spoken. Local governments are political subdivisions of the state. They should not be permitted to supplant statewide policy or impose local regulatory schemes that are inconsistent with Texas' broader commitment to limited government, free enterprise, private property rights, and regulatory restraint.

The next step is enforcement. The Act has passed and is now law, but the Legislature should examine whether some cities and counties are continuing to maintain or enforce ordinances that are void under state law. The recent challenge to City of Dallas ordinances illustrates the concern. According to the petition, Dallas identified 133 ordinances it expected would be affected if HB 2127 passed. The petition further alleges that, after the Act became law and after notice was provided, Dallas repealed only a handful of those ordinances, leaving many others on the books. That is precisely the gap the Legislature should address. A preempted ordinance should not remain functionally alive until a taxpayer, business owner, or trade association has the resources to sue. Private enforcement is important, but it should not be the only practical path to compliance. Small businesses and taxpayers should not have to pay attorneys to prove that a city must follow state law. The Legislature should consider several improvements.

First, require cities and counties to conduct a formal review of ordinances, orders, rules, permitting conditions, licensing requirements, and administrative guidance that may fall within the Act. Local governments should certify which provisions were repealed, amended, suspended, or retained.

Second, require public transparency. Each city and county should publish a list of ordinances reviewed under the Act and clearly identify any local rule it believes remains enforceable.

Third, clarify that local governments may not indirectly regulate what they are prohibited from regulating directly. Preemption should apply not only to ordinances, but also to permitting conditions, procurement requirements, departmental rules, administrative guidance, and enforcement practices used as substitutes for prohibited regulation.

Fourth, create a meaningful state-level enforcement backstop. The Attorney General or another state-level oversight office should have express authority to review complaints, investigate potential noncompliance, issue notices, seek injunctive relief, and intervene where local governments continue enforcing preempted rules.

The Texas Regulatory Consistency Act was an important correction. Now the Legislature should close the loopholes, strengthen enforcement, improve transparency, and ensure that local governments cannot preserve big-government regulation through delay, ambiguity, or litigation costs.

For Liberty, For Texas!

Jeremy D. Kitchen
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