

Lobbying in Houston, Texas

Are you required to register as a lobbyist and report your lobbying activities?¹

If you or your nonprofit organization works to impact public policy in the City of Houston, you may be required to register as a lobbyist and report your lobbying activities. This may be true even if your expenditures towards influencing city policy are fairly minimal.

According to Article V, Chapter 18 of the Houston Code of Ordinances, the general rule is that a person must register as a lobbyist within five working days if the person directly communicates with a member of the legislative or executive branch to influence municipal legislation or administrative action and:

- 1) Makes or reasonably expects to make a total expenditure of \$200 or more in a calendar quarter, or \$800 or more in a calendar year, in order to communicate directly with members of the legislative or executive branch to influence municipal legislation or administrative action;² or
- 2) Receives or reasonably expects to receive compensation or reimbursement of \$200 or more in a calendar quarter, or \$800 or more in a calendar year, in order to communicate directly with members of the legislative or executive branch to influence municipal legislation or administrative action; or
- 3) As a part of the person's regular employment, communicates directly with one or more members of the legislative or executive branch to influence municipal legislation or administrative action on behalf of the employer by whom the person is compensated or reimbursed, whether or not the person receives any compensation for the communication in addition to the salary for that regular employment.

The expenditure and compensation totals above do not include expenses or reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues.

The Code defines a **person** as an "individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert." In terms of nonprofit lobbying efforts, it is the individual staff member engaging in lobbying communications who is required to register as a lobbyist and submit periodic lobbying reports. The staff member must specify during registration the name of each employer on whose behalf he or she will lobby city officials.

Municipal legislation includes matters pending before the city council (e.g. ordinances, resolutions, amendments, motions, or nominations) or matters that may be the subject of action by the council or a council committee (e.g. approvals, countersignatures, getting items placed on the agenda, etc.).

¹ This factsheet was last updated on August 30, 2018.

² The filing thresholds do not include expenses or compensation / reimbursement related to a person's own food, travel, or lodging expenses or their payment of membership dues.

The term **Administrative action** includes “rulemaking, licensing, or any other matter that may be the subject of action by a city official, city department or other city agency including the proposal, consideration, or approval of the matter.” It “does not include the day-to-day application, execution or administration of city programs and policies” (e.g. permitting, platting, or design approval matters related to specific projects or developments).

A person is *not required to register*, even if they meet the expenditure or compensation thresholds for attempting to influence municipal legislation or administrative actions, if they are:

- 1) Performing an act that can only be done by a licensed attorney; or
- 2) A representative of a city employee union and whose only communication concerning administrative action is on behalf of an individual member of the union; or
- 3) A sole proprietor of a business, a majority shareholder of a corporation, or a general partner in a partnership and who communicates directly with one or more members of the legislative or executive branch to influence municipal legislative or administrative action on behalf of such business, corporation, or partnership.

Additionally, there is no penalty for failing to register as a lobbyist if:

1. The person is member of a *bona fide* news medium and has not been hired to represent anyone in connection with influencing municipal legislation or administrative action;
2. The person’s only direct communication to influence municipal legislation or administrative action is an appearance at a public meeting;
3. The person’s only activity is to communicate with members of the person’s association or union to encourage them to communicate with members of the legislative or executive branch to influence municipal legislation or administrative action;
4. The person’s only activity to influence action is compensate or reimburse a lobbyist to act on their behalf;
5. The person’s only activity to influence action is attendance at a meeting or entertainment event that is also attended by a member of the legislative or executive branch if the total cost of that meeting or entertainment event is paid by a business entity, union, or association; or
6. The person’s only compensation or reimbursement subject to the lobbyist registration compensation threshold is through wages not earned due to attendance at a meeting or entertainment event that is also attended by a member of the legislative or executive branch if the total cost of that meeting or entertainment event is paid by a business entity, union, or association.

Failure to register as a lobbyist and submit periodic reports can result in [penalties](#), including a fine up to \$500.

A lobbyist’s registration expires one year from the date of filing.

Members of the **legislative branch** include city council members, a council member-elect or a candidate for the office of city council.

Members of the **executive branch** include “the mayor, city controller, mayor-elect, city controller-elect, candidate for mayor or controller, or member of the Archaeological and Historical Commission, Airport Land Use Regulations Board of Adjustment, Automotive Board, Board of Public Trusts, Boiler Code Review and Licensing Board, Building and Standards Commission, Civil Service Commission, Electrical Board, Fire Board of Appeals, General Appeals Board, Helicopter Facilities Licensing and Appeals Board, Mechanical Code Review Board, Municipal Board on Sign Control, Planning Commission, Plumbing Code Review Board, Tower Permit Commission, or Wastewater Capacity Reservation Review Board.”

A **direct communication** with these individuals can take the form of an in-person discussion, phone call, email, letter, fax or other electronic means of communication. It can also include a gift or transfer of an item of value / extension of hospitality to a legislative or executive branch member even if no business is discussed with that member.

Examples of activities that are considered lobbying include:

- Asking the city controller to support a proposal to increase the budget for a specific project.
- Calling a council member to express support for a pending ordinance.
- Tweeting at a candidate for mayor asking her to promise to support a pending resolution.

Reporting Requirements

Once registered as a lobbyist, a person must submit quarterly activity reports to the city secretary in April, July, October, and January between the first and tenth of each month.

These [reports](#) must be signed by the registered lobbyist under oath (or other authorized officer or agent) and include:

- 1) Certain biographical data including, name, address, and organization for whom work;
- 2) Certain operational expenses that went towards direct communication, with any expenditures of \$50 itemized by the date, name and status of the recipient including the official title of any city official or employee, amount and purpose;
- 3) An itemized list of each expense, gift, or honorarium worth \$250 or more made by the registered lobbyist to benefit a member of the legislative or executive branch **AND** the total of all such expenses that are less than \$250 but more than \$25; and
- 4) The identification of each business entity with which the lobbyist has exchanged \$250+ in money, goods, services or other items of value and that the lobbyist knows (or has reason to believe) a member of the executive or legislative branch has a substantial interest in.

Although quarterly reports are due during the first ten days of the month following the conclusion of each calendar quarter, no quarterly reports will be due if there are no reportable activities and there

are no other changes to items that the city requires each lobbyist to report. For example, this means that if an individual registered as a lobbyist in Houston does not need to amend his or her registration and has no reportable expenses in January, February or March, that individual will not be required to file a report between April 1st and April 10th.

A lobbyist must preserve reports and all supporting documents (bills, receipts, papers, etc.) for a period of no less than six years from the date of filing. Should a lobbyist no longer wish to be registered, he must send a [termination notice](#) within 30 days of ceasing any activity requiring registration.

Lobbyists may not offer or give loans or cash to a member of the legislative or executive branch, unless the loan is made in the due course of business through a lender that has operated continuously for more than a year, or the lobbyist is a close relative of the member of the legislative or executive branch. This restriction also does not apply to political contributions that are required to be reported by the official.

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