

By: Tepper

H.B. No. 369

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to regulate the number of dwellings allowed on certain property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.907 to read as follows:

Sec. 212.907. REGULATIONS RELATED TO CONSTRUCTION OF MORE THAN ONE DWELLING ON CERTAIN RESIDENTIAL LOTS. (a) Except as provided by Subsection (c), a municipality may not adopt or enforce an ordinance, zoning variance, or other regulation that allows for the construction of more than one single-family dwelling on a lot that:

(1) was zoned for single-family dwellings on September 1, 2023; and

(2) is located in a subdivision with at least one developed lot.

(b) Except as provided by Subsection (c), a municipality may not, for the purpose of allowing the construction of more than one single-family dwelling on a lot described by Subsection (a), change:

(1) a zoning classification, regulation, or boundary; or

(2) an allowed use under a zoning classification.

(c) A municipality may adopt or enforce an ordinance or

1 regulation as described by Subsection (a) or (b) if the
2 municipality:

3 (1) sends written notice of the proposed ordinance or
4 regulation to each owner, as indicated by the most recently
5 approved municipal tax roll, of real property that is zoned for a
6 single-family dwelling within 200 feet of each property affected by
7 the proposed ordinance or regulation; and

8 (2) obtains an affidavit from each owner described by
9 Subdivision (1) giving consent to the ordinance or regulation.

10 SECTION 2. Section 102A.002, Civil Practice and Remedies
11 Code, is amended to read as follows:

12 Sec. 102A.002. LIABILITY FOR CERTAIN REGULATION. Any
13 person who has sustained an injury in fact, actual or threatened,
14 from a municipal or county ordinance, order, or rule adopted or
15 enforced by a municipality or county in violation of any of the
16 following provisions or a trade association representing the person
17 has standing to bring and may bring an action against the
18 municipality or county:

- 19 (1) Section 1.004, Agriculture Code;
20 (2) Section 1.109, Business & Commerce Code;
21 (3) Section 1.004, Finance Code;
22 (4) Section 30.005, Insurance Code;
23 (5) Section 1.005, Labor Code;
24 (6) Sections 212.907 and [Section] 229.901, Local
25 Government Code;
26 (7) Section 1.003, Natural Resources Code;
27 (8) Section 1.004, Occupations Code; or

1 (9) Section 1.004, Property Code.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2025.