

By: Guillen

H.B. No. 3572

A BILL TO BE ENTITLED

AN ACT

relating to municipal zoning regulations and district boundaries.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0025 to read as follows:

Sec. 211.0025. ZONING REGULATION INCLUDES ZONING CLASSIFICATION. For purposes of this chapter, a reference to a zoning regulation includes a zoning classification.

SECTION 2. Sections 211.007(c) and (d), Local Government Code, are amended to read as follows:

(c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice must ~~may~~ be served by certified mail, return receipt requested, and ~~its deposit in the municipality,~~ properly addressed with postage paid, and if the commission or municipality maintains a publicly accessible Internet website, by posting the notice on that website ~~[in the United States mail]~~. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice must ~~shall~~ be given in the

manner provided by Section 211.006(a). For purposes of this subsection, a proposed change in a zoning classification includes any change to a zoning district boundary or regulation under a zoning classification, including a regulation described by Section 211.003.

(d) The governing body of a home-rule municipality may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the governing body and the zoning commission. If notice requirements are prescribed under this subsection, the notice requirements prescribed by Subsection [~~Subsections~~] (b) [~~and (c)~~] and by Section 211.006(a) do not apply.

SECTION 3. Subchapter A, Chapter 211, Local Government Code, is amended by adding Sections 211.0155 and 211.020 to read as follows:

Sec. 211.0155. RECONSIDERATION OF ZONING REGULATION OR DISTRICT BOUNDARY. (a) The governing body of a municipality shall conduct a public hearing to reconsider a zoning regulation or district boundary adopted under this chapter if, not later than the second anniversary of the date the regulation or boundary took effect, the governing body receives a petition signed by the owners of at least 40 percent of either:

(1) the area of the lots or land covered by the regulation or boundary; or

(2) the area of the lots or land immediately adjoining the area covered by the regulation or boundary and extending 200 feet from that area.

1 (b) A zoning regulation or district boundary reconsidered
2 under this section must receive the affirmative vote of at least
3 three-fourths of all members of the governing body to remain in
4 effect. If the regulation or boundary does not receive the votes
5 necessary to remain in effect, as applicable on the date the hearing
6 is conducted:

7 (1) the regulation is void and unenforceable; or

8 (2) the boundary reverts to the boundary as it existed
9 before the boundary change that is reconsidered.

10 Sec. 211.020. ACTION FOR NONCOMPLIANCE WITH PROCEDURAL
11 REQUIREMENTS. (a) A landowner or resident of a municipality may
12 bring an action against the municipality in a district court for
13 declaratory relief on the grounds that the municipality or the
14 municipality's zoning commission violated a procedural requirement
15 of this subchapter in the adoption of a zoning regulation or zoning
16 district boundary.

17 (b) If the court determines in an action brought under this
18 section that the municipality or commission violated a procedural
19 requirement of this subchapter then either:

20 (1) the zoning regulation that is the basis for the
21 action is void and of no effect; or

22 (2) the zoning district boundary that is the basis for
23 the action reverts to the boundary as it existed before the boundary
24 change that is the basis for the action.

25 (c) The comptroller shall adopt rules to implement this
26 section uniformly among the state agencies from which state
27 economic development money is distributed to a municipality.

1 (d) A prevailing claimant may recover court costs and
2 reasonable and necessary attorney's fees incurred in bringing an
3 action under this section.

4 (e) The actions and remedies provided by this section are
5 not exclusive and are in addition to any other action or remedy
6 provided by law, including Section 211.011.

7 (f) A municipality's governmental immunity from suit is
8 waived in regard to an action brought under this section.

9 SECTION 4. (a) Section 211.007(c), Local Government Code,
10 as amended by this Act, applies only to a change to a zoning
11 classification for which notice is provided on or after the
12 effective date of this Act. A change to a zoning classification for
13 which notice was provided before the effective date of this Act is
14 governed by the law in effect on the date the notice was provided,
15 and the former law is continued in effect for that purpose.

16 (b) Section 211.0155, Local Government Code, as added by
17 this Act, applies only to a zoning regulation or district boundary
18 adopted on or after the effective date of this Act.

19 (c) Section 211.020, Local Government Code, as added by this
20 Act, applies to a violation of Subchapter A, Chapter 211, Local
21 Government Code, that occurs before, on or after the effective date
22 of this Act, except that a final judgment for a violation that
23 exists on the effective date of this Act is unaffected by this Act.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2025.