

By: Gates

H.B. No. 3919

A BILL TO BE ENTITLED

AN ACT

relating to size and density requirements for residential lots in certain municipalities; authorizing a fee.

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

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

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN CERTAIN MUNICIPALITIES

Sec. 211.051. DEFINITIONS. In this subchapter:

(1) "Housing organization" means a:

(A) trade or industry group organized under the laws of this state consisting of local members primarily engaged in the construction or management of housing units;

(B) nonprofit organization organized under the laws of this state that:

(i) provides or advocates for increased access or reduced barriers to housing; and

(ii) has filed written or oral comments with the legislature; or

(C) nonprofit organization organized under the laws of this state that is engaged in public policy research, education, and outreach that includes housing policy-related issues and advocacy.

(2) "Small lot" means a residential lot that is 4,000

1 square feet or less.

2 Sec. 211.052. APPLICABILITY. (a) This subchapter applies
3 only to a municipality that:

4 (1) has a population of more than 90,000; and

5 (2) is wholly or partly located in a county with a
6 population of more than 300,000.

7 (b) This subchapter does not apply to a one-mile radius from
8 the perimeter of a campus that includes a law enforcement training
9 center in a county that has a population of 2,600,000 or more but
10 less than 2,700,000.

11 Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter
12 may not be construed to affect requirements directly related to:

13 (1) the use and occupancy of residential units leased
14 for a term of less than 30 days; or

15 (2) flooding, sewer facilities, or well water located
16 on an individual residential lot and serving only that lot.

17 Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS
18 PROHIBITED. (a) This section applies only to a tract of land that:

19 (1) will be platted and located in an area zoned for
20 single-family homes;

21 (2) is five acres or more; and

22 (3) has no recorded map or plat.

23 (b) A municipality may not adopt or enforce an ordinance,
24 rule, or other measure that requires:

25 (1) a residential lot to be:

26 (A) larger than 1,400 square feet;

27 (B) wider than 20 feet; or

1 (C) deeper than 60 feet; or

2 (2) if regulating the density of dwelling units on a
3 residential lot, a ratio of dwelling units per acre that results in
4 fewer than 31.1 units per acre.

5 Sec. 211.055. SMALL LOTS. (a) A municipality may not adopt
6 or enforce an ordinance, rule, or other measure that requires a
7 small lot to have:

8 (1) a building, waterway, plane, or other setback
9 greater than:

10 (A) five feet from the front or back of the
11 property; or

12 (B) five feet from the side of the property;

13 (2) covered parking;

14 (3) more than one parking space per unit;

15 (4) off-site parking;

16 (5) more than 30 percent open space or permeable
17 surface;

18 (6) fewer than three full stories not exceeding 10
19 feet in height measured from the interior floor to ceiling;

20 (7) a maximum building bulk;

21 (8) a wall articulation requirement; or

22 (9) any other zoning restriction that imposes
23 restrictions inconsistent with this subsection, including
24 restrictions through contiguous zoning districts or uses or from
25 the creation of an overlapping zoning district.

26 (b) A municipality may require with respect to a small lot:

27 (1) the sharing of a driveway with another lot; or

1 (2) permitting fees equivalent to the permitting fees
2 charged for the development of a lot the use of which is restricted
3 to a single-family residence.

4 Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. This
5 subchapter does not prohibit a municipality from imposing
6 restrictions that are applicable to all similarly situated lots or
7 subdivisions, including requiring all subdivisions or all small
8 lots to fully mitigate stormwater runoff.

9 Sec. 211.057. NO EFFECT ON HOMEOWNERS' ASSOCIATIONS AND
10 OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit
11 property owners from enforcing rules or deed restrictions imposed
12 by a homeowners' association or by other private agreement.

13 Sec. 211.058. ACTION. (a) A person adversely affected or
14 aggrieved by a municipality's violation of this subchapter or a
15 housing organization may bring an action against the municipality
16 or an officer or employee of the municipality in the officer's or
17 employee's official capacity for relief described by Subsection
18 (c).

19 (b) A claimant must bring an action under this section in a
20 county in which the real property that is the subject of the action
21 is wholly or partly located.

22 (c) In an action brought under this section, a court may:

23 (1) enter a declaratory judgment under Chapter 37,
24 Civil Practice and Remedies Code;

25 (2) issue a writ of mandamus compelling a defendant
26 officer or employee to comply with this subchapter;

27 (3) issue an injunction preventing the defendant from

1 violating this subchapter; and

2 (4) award damages to the claimant for economic losses
3 caused by the defendant's violation of this subchapter if the
4 claimant is a person affected or aggrieved by the violation that is
5 the basis for the action.

6 (d) A court shall award reasonable attorney's fees and court
7 costs incurred in bringing an action under this section to a
8 prevailing claimant.

9 (e) Governmental immunity of a municipality to suit and from
10 liability is waived to the extent of liability created by this
11 section. Official immunity of a municipal officer or employee is
12 waived to the extent of liability created by this section.

13 (f) The Fifteenth Court of Appeals has exclusive
14 intermediate appellate jurisdiction over an appeal or original
15 proceeding arising from an action brought under this section.

16 SECTION 2. This Act takes effect September 1, 2025.