

By: Middleton

S.B. No. 854

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of multifamily and mixed-use development on religious land.

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

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

SUBCHAPTER I. REGULATION OF DEVELOPMENT ON RELIGIOUS LAND

Sec. 212.251. DEFINITIONS. In this subchapter:

(1) "Group home" means a residential facility that provides housing and support services in a community-based environment for individuals who require assistance due to physical, mental, developmental, or behavioral disabilities.

(2) "Heavy industrial use" means a storage, processing, or manufacturing use:

(A) with processes using flammable or explosive materials;

(B) with hazardous conditions; or

(C) that is noxious or offensive from odors, smoke, noise, fumes, or vibrations.

(3) "Housing organization" means a:

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

(B) nonprofit organization that:

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

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

5 (C) nonprofit organization that is engaged in
6 public policy research, education, and outreach that includes
7 housing policy-related issues and advocacy.

8 (4) "Mixed-use" means the use and development of a
9 site consisting of residential and nonresidential uses in which
10 residential uses occupy at least 65 percent of the total square
11 footage of the development.

12 (5) "Multifamily" means the use and development of a
13 site for three or more dwelling units within one or more buildings.
14 The term includes a residential condominium.

15 (6) "Religious land" means land owned by a religious
16 organization or land that is leased by a religious organization for
17 a term of at least 40 years.

18 (7) "Religious organization" means an organization
19 that is:

20 (A) open to the public; and

21 (B) described by Section [110.011\(b\)](#), Civil
22 Practice and Remedies Code.

23 (8) "Supportive housing" means residential
24 accommodations that combine housing with on-site or off-site
25 supportive services, designed to assist individuals or families in
26 maintaining stable housing and achieving greater independence.

27 Sec. 212.252. APPLICABILITY OF SUBCHAPTER. This subchapter

1 does not apply to religious land located within a quarter mile of a
2 heavy industrial use, an airport, a seaport, or a military base.

3 Sec. 212.253. ALLOWABLE USES. (a) A municipality must
4 permit multifamily and mixed-use as allowable uses on religious
5 land.

6 (b) Notwithstanding any other law, a municipality may not
7 require a proposed multifamily or mixed-use development on
8 religious land to obtain a zoning or land use change, special
9 exception, variance, conditional use approval, special use permit,
10 comprehensive plan amendment, or other land use classification or
11 approval to:

- 12 (1) permit the proposed use and development; or
13 (2) allow for the minimum densities, building height,
14 setbacks, and site development regulations authorized under this
15 subchapter.

16 Sec. 212.254. PROHIBITED MUNICIPAL REQUIREMENTS. For a
17 multifamily or mixed-use development on religious land, a
18 municipality may not:

19 (1) restrict the height of a proposed development to
20 less than 40 feet and three full stories;

21 (2) require front setbacks greater than 15 feet, rear
22 setbacks greater than 10 feet, or side setbacks greater than 5 feet;

23 (3) establish minimum parking requirements except as
24 necessary to comply with federal law;

25 (4) restrict the ratio of the development's proposed
26 building gross floor area to site area, building coverage, density,
27 unit size or number base as compared to site area, size of a unit, or

1 otherwise restrict development using any other dimensional
2 constraint except as provided by Subdivisions (1) and (2);
3 (5) prohibit supportive housing or group homes; or
4 (6) for a proposed development converting an existing
5 building from a different use to a multifamily or mixed-use,
6 require the conversion to exceed standards imposed by the
7 International Building Code.

8 Sec. 212.255. PERMITTED MUNICIPAL REGULATION. This
9 subchapter does not affect a municipality's authority to apply the
10 following that are generally applicable to other developments in
11 the municipality:

12 (1) sewer and water access requirements;
13 (2) stormwater mitigation requirements; and
14 (3) except as otherwise provided by this subchapter,
15 building codes.

16 Sec. 212.256. DUTY TO APPROVE. (a) A municipality shall
17 approve an application for a multifamily or mixed-use development
18 on religious land if the development satisfies the municipality's
19 land development regulations for multifamily or mixed-use
20 developments, as applicable, other than a regulation involving a
21 matter described by Section 212.254.

22 (b) The municipality's duty to approve a development under
23 Subsection (a) is purely ministerial.

24 Sec. 212.257. ACTION. (a) A person affected by a
25 municipality's violation of this subchapter or a housing
26 organization may bring an action against the municipality or an
27 officer or employee of the municipality in the officer's or

1 employee's official capacity for relief described by Subsection
2 (c).

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

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

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

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

11 (3) issue an injunction preventing the defendant from
12 violating this subchapter; and

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

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

20 (e) Governmental immunity of a municipality to suit and from
21 liability is waived to the extent of liability created by this
22 section. Official immunity of a municipal officer or employee is
23 waived to the extent of liability created by this section.

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

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