

## **BILL ANALYSIS**

Senate Research Center  
88R2888 MP-D

S.B. 1787  
By: Bettencourt  
Local Government  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas' median home price dropped during the last year from \$349,900 to \$331,000 thanks to pandemic and economic pressures; however, houses are considered "affordable" when priced below \$300,000. As the state's population continues to grow, the state of Texas continues to experience a shortage of affordable housing stock.

A significant contributor to the lack of affordable housing stock in Texas is the price of the land on which residential dwellings are built—it comprises almost one-quarter of the sale price of a single-family home.

In some Texas cities, builders are platting lots exactly at lot-size minimums, indicating that some lot size regulations are forcing some developers to build on larger lots, regardless of market demand. Larger lot sizes require increased investment in the construction of new housing. In many cities, municipal ordinances requiring residential lots be of a minimum size restrict potential housing development opportunities, contributing to a reduction in the potential housing stock.

S.B. 1787 seeks to address these issues by prohibiting municipalities wholly or partly located in a county with a population of 300,000 or more from requiring residential lots to be larger than 1,400 square feet or for density regulations to require density less than 31.1 units per acre.

As proposed, S.B. 1787 amends current law relating to size and density requirements for residential lots in certain municipalities and authorizes a fee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 211, Local Government Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN MUNICIPALITIES LOCATED IN COUNTIES OF 300,000 OR MORE**

Sec. 211.051. DEFINITION. Defines "small lot."

Sec. 211.052. APPLICABILITY. Provides that this subchapter applies only to a municipality that is wholly or partly located in a county with a population of 300,000 or more.

Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. Prohibits this subchapter from being construed to affect sewer or water requirements or the rules or deed restrictions imposed by a homeowners' association.

Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS PROHIBITED. Prohibits a municipality from adopting or enforcing an ordinance, rule, or other measure that requires:

(1) a residential lot to be:

(A) larger than 1,400 square feet;

(B) wider than 20 feet; or

(C) deeper than 60 feet; or

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

Sec. 211.055. SMALL LOTS. (a) Prohibits a municipality from adopting or enforcing an ordinance, rule, or other measure that requires a small lot to have:

(1) a building setback greater than:

(A) ten feet from the front or back of the property; or

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

(2) covered parking;

(3) more than one parking space per unit;

(4) off-site parking;

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

(6) fewer than three full stories.

(b) Authorizes a municipality to require with respect to a small lot:

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

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

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

SECTION 2. Effective date: September 1, 2023.