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| BILL ANALYSIS |

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| C.S.H.B. 24 |
| By: Orr |
| Land & Resource Management |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  The bill author has informed the committee that there is a protest process outlined in the Local Government Code that serves as a highly consequential zoning mechanism in Texas. This provision traces its origins to the Standard State Zoning Enabling Act from the 1920s, a version of which was adopted by Texas in 1927 and remains in effect, according to the American Planning Association Texas Chapter. Under current law, if 20 percent of property owners within 200 feet of a proposed zoning change submit a protest, the affirmative vote of at least three-fourths of all members of the applicable governing body is required to approve the change, rather than the simple majority vote that is often required for approval of changes by a city council. C.S.H.B. 24 seeks to return property rights to landowners in the protest process for proposed zoning changes by explicitly exempting comprehensive zoning changes from that process, limiting the scope of the process, and modernizing the law. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  C.S.H.B. 24 amends the Local Government Code to require a protest of a proposed change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change to meet one of the following conditions in order to take effect:   * be written and signed by the owners of at least 20 percent of the area of the lots or land covered by the proposed change and receive the affirmative vote of at least three-fourths of all members of the applicable governing body; or * be written and signed by the owners of at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area and receive the affirmative vote of at least a majority of all members of the applicable governing body.   The bill establishes that, in computing the percentage of applicable land area, the area of streets and alleys must be included and the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.  C.S.H.B. 24 defines "proposed comprehensive zoning change" as a municipal proposal to do the following:   * change an existing zoning regulation that will have the effect of allowing more residential development than the previous regulation and will apply uniformly to each parcel in one or more zoning districts; * adopt a new zoning code or zoning map that will apply to the entire municipality; or * adopt a zoning overlay district that will have the effect of allowing more residential development than allowed without the overlay and will include an area along a major roadway, highway, or transit corridor.   C.S.H.B. 24 requires the governing body of a municipality, before the 15th day before the date of a hearing on a proposed zoning regulation or district boundary, to publish on the municipality's website the notice of the hearing, if the municipality maintains a website. The bill repeals provisions making a protested proposed change to a zoning regulation or district boundary effective only if it receives the affirmative vote of at least three-fourths of all members of the applicable governing body and requiring the protest to be written and signed by the owners of at least 20 percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.  C.S.H.B. 24 establishes that the following notices, as applicable, are the only notices required for a proposed comprehensive zoning change:   * the prescribed notice of a public hearing on a proposed zoning regulation or district boundary published in an official newspaper or a newspaper of general circulation in the municipality and on the municipality's website, if applicable; * the notice prescribed by a home-rule municipality for a public hearing held jointly by the municipality's governing body and the municipality's zoning commission; and * written notice provided by a municipality or a zoning commission, as applicable, of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed.   C.S.H.B. 24 establishes that a change to a zoning regulation or district boundary that has the effect of allowing more residential development than the previous regulation is conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change.  C.S.H.B. 24 applies only to a proposal to change a municipal zoning regulation or district boundary made on or after the bill's effective date.  C.S.H.B. 24 repeals Section 211.006(d), Local Government Code. |
| **EFFECTIVE DATE**  September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 24 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  The substitute includes a definition for "proposed comprehensive zoning change," which was absent from the introduced.  The substitute includes a provision absent from the introduced requiring the governing body of a municipality, before the 15th day before the date of a hearing on a proposed zoning regulation or district boundary, to publish on the municipality's website the notice of the hearing, if the municipality maintains a website.  While the introduced established that the bill's provisions relating to protest procedures for a proposed change to a zoning regulation or district boundary applied only to a proposed change to a zoning regulation or district boundary requested by certain owners or initiated by a municipality under certain conditions, the substitute establishes that the bill's provisions apply only to a proposed change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change.  While the introduced required an applicable protest to be written and signed by the owners of at least 60 percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, the substitute requires an applicable protest to be written and signed by the certain owners of the area as follows:   * at least 20 percent of the area of the lots or land covered by the proposed change; or * at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.   The substitute includes a provision absent from the introduced establishing that, in calculating that land area, the land area is not calculated individually for each tract of land subject to a proposed change in a zoning regulation or district boundary but in the aggregate for all tracts of land subject to the change.  Whereas the introduced specified the only notices required for a proposed change to a zoning regulation or district boundary that is not requested and initiated under the bill's provisions, the substitute specifies the same notices as those only required for a proposed comprehensive zoning change. However, the substitute also includes among those notices the written notice provided by a governing body of a municipality or zoning commission, as applicable, of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed.  The substitute omits the following provisions, which were included in the introduced:   * provisions relating to civil action to compel adoption of certain proposed changes; * provisions relating to the enforcement of proposed zoning changes by the attorney general; and * provisions relating to the effect of a proposed change on certain rules and restrictions.   The substitute establishes that a change to a zoning regulation or district boundary that has the effect of allowing more residential development than the previous regulation is conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change, whereas the introduced established that such presumption of validity applies only to a proposed change to a zoning regulation or district boundary that is not requested by an owner or initiated by a municipality under the bill's provisions and has the effect of making residential development less restrictive than the previous regulation. |
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