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| BILL ANALYSIS |

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| S.B. 844 |
| By: Hughes |
| Land & Resource Management |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  The bill sponsor 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. S.B. 844 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**  S.B. 844 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:   * 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; * 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; or * if the proposed change will have the effect of allowing for the use of a building or structure for the operation of any form of gambling or sports wagering, be written and signed by the owners of at least 20 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 bill requires that a proposed change that is protested by at least 20 percent of the applicable area, as set out in the bill's provisions, receive the affirmative vote of at least three-fourths of all members of the applicable governing body to take effect. The bill requires that a proposed change that is protested by at least 60 percent of the applicable adjoining area, as set out in the bill's provisions, receive the affirmative vote of at least a majority of all members of the applicable governing body to take effect.  S.B. 844 establishes that, in computing the percentage of applicable land area for the purposes of protest procedures established by the bill, 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.  S.B. 844 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.   S.B. 844 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.  S.B. 844 repeals provisions that do the following:   * make 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 require 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; and * authorize the applicable governing body by ordinance to provide that such an affirmative vote is required to overrule a recommendation of the municipality's zoning commission that a proposed change to a regulation or boundary be denied.   S.B. 844 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.   S.B. 844 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.  S.B. 844 applies only to a proposal to change a municipal zoning regulation or district boundary made on or after the bill's effective date.  S.B. 844 repeals Sections 211.006(d) and (f), Local Government Code. |
| **EFFECTIVE DATE**  September 1, 2025. |