

BILL ANALYSIS

Senate Research Center

H.B. 24
By: Orr et al. (Hughes)
Local Government
5/14/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. 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.

H.B. 24 amends current law relating to procedures for changes to a zoning regulation or district boundary.

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 Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0011, as follows:

Sec. 211.0011. DEFINITION. Defines "proposed comprehensive zoning change."

SECTION 2. Amends Section 211.006(a), Local Government Code, as follows:

(a) Requires that the notice of the time and place of a public hearing on zoning regulations and zoning district boundaries, before the 15th day before the date of the hearing, be published in an official newspaper or a newspaper of general circulation in the municipality and, if the municipality maintains an Internet website, published on the municipality's Internet website.

SECTION 3. Amends Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0061, as follows:

Sec. 211.0061. PROTEST PROCEDURES FOR CERTAIN PROPOSED CHANGES.

(a) Provides that this section applies only to a proposed change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change.

(b) Requires that a protest of a proposed change to a zoning regulation or district boundary be written and signed by the owners of:

(1) at least 20 percent of the area of the lots or land covered by the proposed change; or

(2) 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.

(d) Requires that a proposed change to a regulation or district boundary, if the proposed change is protested in accordance with Subsection (b), receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body for a protest described by Subsection (b)(1) or a majority of all members of the governing body for a protest described by Subsection (b)(2).

SECTION 4. Transfers Section 211.006(e), Local Government Code, to Section 211.0061, Local Government Code, as added by this Act, redesignates it as Section 211.0061(c), Local Government Code, and amends it, as follows:

(c) Redesignates existing Subsection (e) as Subsection (c). Provides that, in computing the percent of land area under Subsection (b) (relating to requiring a general-law municipality that does not have a zoning commission to give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice if the municipality had a zoning commission), rather than Subsection (d) (relating to requiring a proposed change to a regulation or boundary, if the proposed change is protested, to receive, in order to take effect, the affirmative vote of at least 20 percent of the areas of certain lots), 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. Makes nonsubstantive changes.

SECTION 5. Amends Subchapter A, Chapter 211, Local Government Code, by adding Sections 211.0063 and 211.0065, as follows:

Sec. 211.0063. NOTICE FOR PROPOSED COMPREHENSIVE ZONING CHANGES. Provides that the notice described by Section 211.006(a) or 211.007(d) (relating to authorizing the governing body of a home-rule municipality to prescribe the type of notice to be given of the time and place of a public hearing), as applicable, and Section 211.006(a-1) (relating to requiring the governing body of a municipality or zoning commission to provide written notice of each public hearing) is the only notice required for a proposed comprehensive zoning change.

Sec. 211.0065. PRESUMPTION OF VALIDITY FOR CERTAIN CHANGES TO ZONING REGULATIONS OR DISTRICT BOUNDARIES. Provides 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.

SECTION 6. Amends Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0073, as follows:

Sec. 211.0073. NOTICE SIGN REQUIREMENT FOR CERTAIN ZONING CHANGES IN HOME-RULE MUNICIPALITIES. (a) Requires a zoning commission, not later than the 10th day before the date the zoning commission of a home-rule municipality holds a hearing on a proposed change in zoning classification that does not apply to the whole municipality and until the date of a final determination on the proposed change by the governing body of the municipality, to post a notice sign in accordance with this section on the property affected by the change or a public right-of-way for a change initiated by the municipality that affects multiple properties.

(b) Requires that the notice sign be at least 24 inches long by 48 inches wide.

(c) Authorizes the zoning commission to elect to provide, maintain, and pay for a notice sign under this section or require an applicant for a change in zoning classification to provide, maintain, and pay for the sign.

(d) Provides that notice requirements prescribed under this section are in addition to notice required by Section 211.007 (Zoning Commission).

SECTION 7. Repealers: Sections 211.006(d) (relating to requiring a proposed change to a regulation or boundary, if the proposed change is protested, to receive, in order to take effect, the affirmative vote of at least 20 percent of the areas of certain lots) and (f) (relating to authorizing the governing body to provide that the affirmative vote of at least three-fourths of its members is required to overrule a recommendation), Local Government Code.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2025.