BACKGROUND AND PURPOSE

The bill author has informed the committee that the state's housing affordability challenges can be addressed by reducing regulatory barriers to encourage more efficient land use and thereby increase housing supply and affordability. C.S.H.B. 3892 seeks to promote housing affordability and development flexibility by clarifying the regulatory authority of certain counties with respect to infrastructure planning.

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. 3892 amends the Local Government Code to specify that the prohibition against a county commissioners court regulating the number of residential units that can be built per acre of land, with respect to plats and subdivisions of land within the unincorporated area of the county, includes doing so by regulating minimum lot size, minimum lot width and depth, and building setbacks, or by imposing any other regulation that limits density or development. The bill establishes that the prohibition does not apply to a tract of land located in a county that borders the Gulf of Mexico and that is designated as Zone V, VE, AO, or AE on a flood insurance rate map published by FEMA. The bill includes the placement of buildings constructed on a particular tract of land among the building aspects that a commissioners court is prohibited from regulating.

C.S.H.B. 3892, in a provision that applies only to a public or private road that is platted or created on or after the bill's effective date, prohibits a commissioners court from adopting or enforcing an order, rule, or other measure that establishes minimum lot frontages on a public or private road. The bill specifies that the reasonable building and set-back lines a commissioners court is authorized to establish without the applicable statutory limitation period are reasonable building and front set-back lines for a county or state road that existed on September 1, 2025. The bill specifies that the authorization for a commissioners court to establish building or set-back lines on the public roads, including major highways and roads, in the county applies with respect to those roads maintained by the county. The bill makes the prohibition against a building or set-back line extending more than 25 feet from the edge of the right-of-way on all public roads, other than major highways and roads, applicable to public roads that existed on September 1, 2025.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3892 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 introduced specified that the prohibition against a county commissioners court regulating the number of residential units that can be built per acre of land includes doing so without limitation and restriction on factors such as minimum lot size, minimum lot width and depth, building setbacks and other measures that the county may impose to limit the density of development, whereas the substitute specifies that the prohibition against such regulation includes doing so by regulating minimum lot size, minimum lot width and depth, and building setbacks, or by imposing any other regulation that limits density or development. The substitute also includes a provision absent from the introduced establishing that such prohibition does not apply to a tract of land located in a county that borders the Gulf of Mexico and that is designated as Zone V, VE, AO, or AE on a flood insurance rate map published by FEMA.

The introduced prohibited a commissioners court from adopting minimum lot frontages on newly platted or created local public or private roads, whereas the substitute prohibits the court from adopting or enforcing an order, rule, or other measure that establishes minimum lot frontages on a public or private road. The substitute includes a procedural provision absent from the introduced establishing that this prohibition applies only to a public or private road that is platted or created on or after the bill's effective date.

The introduced specified that the reasonable building and set-back lines a commissioners court is authorized to establish without the applicable statutory limitation period are reasonable building and front set-back lines for existing county and state roads, whereas the substitute specifies that the reasonable building and set-back lines are reasonable building and front set-back lines for a county or state road that existed on September 1, 2025. Additionally, the introduced specified that the authorization for a commissioners court to establish building or set-back lines on the public roads in the county applies with respect to existing roads in the county, whereas the substitute specifies that the authorization applies with respect to public roads, including major highways and roads, maintained by the county.

The introduced made the prohibition against a building or set-back line extending more than 25 feet from the edge of the right-of-way on all public roads applicable to all existing public roads, whereas the substitute makes the prohibition applicable to all public roads that existed on September 1, 2025. The substitute omits the provision from the introduced prohibiting a commissioners court from establishing set-backs from private roads or roads not maintained by the county.