

BILL ANALYSIS

Senate Research Center
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S.B. 844
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 844 seeks to modernize Texas' valid petition process for zoning changes—a system originally established in 1927. While the process was intended to give nearby property owners a voice in zoning decisions, it has increasingly been used by small groups to delay or block developments that align with local plans and priorities. This misuse has led to stalled housing projects, increased costs for cities and developers, and fewer housing options for Texas families.

Under current law, if just 20 percent of property owners within 200 feet of a proposed zoning change protest, the city council must approve the change with a super majority vote. In practice, this gives outsized influence to a very small number of property owners—sometimes just one individual—allowing a vocal minority to override decisions that benefit the broader community. Combined with lawsuits that weaponize the law to halt updates to outdated zoning codes, this has limited the ability of cities to adapt to changing needs and has a chilling effect on developers trying to meet growing housing demand.

S.B. 844 offers a balanced reform. It protects the rights of property owners directly affected by zoning changes while reducing the ability of a single adjacent property owner to block new development. The bill maintains a clear and fair protest pathway for those most impacted, while raising the bar for adjacent opposition to better reflect broader public interests. This adjustment encourages meaningful participation without allowing small groups to derail projects that support Texas' population and economic expansion.

S.B. 844 returns decision-making authority to locally elected officials—those accountable to the communities they represent. Cities regularly decide major issues—like multi-million-dollar budgets, police contracts, and city management appointments—by simple majority vote. Zoning decisions should follow the same standard. With this reform, cities will be better equipped to modernize outdated zoning codes and expand access to housing of all types.

S.B. 844 is a smart, purpose-driven update to a nearly century-old law. It preserves property rights safeguards while helping cities respond to today's housing challenges. By reforming the valid petition process, the bill promotes a more balanced, efficient, and community-focused approach to zoning—one that supports opportunity and growth across Texas.

The committee substitute for S.B. 844 improves the bill by clearly distinguishing between comprehensive and non-comprehensive zoning changes. Comprehensive changes—broad, citywide zoning updates—are removed from the valid petition protest and only require general notice, saving taxpayer money currently spent on costly, unnecessary individual notices and allowing cities to update outdated zoning codes more effectively.

Non-comprehensive zoning changes, such as those involving individual properties, retain the existing valid petition framework. The committee substitute returns to the current 20 percent protest threshold for affected property owners—ensuring they can still trigger a super majority vote—while keeping the raised 60 percent for adjacent property owners. It also removes all enforcement language, reducing legal uncertainty and procedural burdens for cities.

As proposed, S.B. 844 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 211.0061, 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 requested by an owner of real property that is subject to the proposed change or initiated by a municipality that has the effect of making residential development more restrictive than the previous regulation.

(b) Requires that protest of a proposed change to a zoning regulation or district boundary be written and signed by the owners of at least 60 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) 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 2. 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). Requires that the area of streets and alleys, in computing the percentage 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 (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) be included. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter A, Chapter 211, Local Government Code, by adding Sections 211.0063, 211.0064, 211.0065, 211.0067, and 211.0069, as follows:

Sec. 211.0063. NOTICE FOR OTHER PROPOSED CHANGES. Provides that the notice described by Section 211.006(a) (relating to requiring the governing body of a municipality wishing to exercise certain zoning authorities to establish procedures for adopting and enforcing regulations and boundaries) 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, is the only notice required for a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061(a).

Sec. 211.0064. CIVIL ACTION TO COMPEL ADOPTION OF OTHER PROPOSED CHANGES. (a) Authorizes certain persons to bring an action against a municipality for declaratory and injunctive relief to compel the municipality to adopt a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061(a), including a person who applies for a change to a zoning regulation or district boundary

applicable to the area subject to the proposed change, a person eligible to apply for residency in a housing development project in the area subject to the proposed change, or a nonprofit organization.

(b) Requires a court, in an action brought under Subsection (a), to ensure that its order or judgment is implemented and award a prevailing claimant reasonable attorney's fees and costs incurred in bringing the action.

(c) Authorizes an action brought under Subsection (a), notwithstanding any other law, including Chapter 15 (Venue), Civil Practice and Remedies Code, to be brought in certain counties.

(d) Prohibits an action, if the action is brought under Subsection (a) in any one of the venues described by Subsection (c), from being transferred to a different venue without the written consent of all parties.

(e) Provides that, notwithstanding any other law, the 15th Court of Appeals has exclusive intermediate appellate jurisdiction over an action brought under Subsection (a).

Sec. 211.0065. PRESUMPTION OF VALIDITY FOR LESS RESTRICTIVE OTHER PROPOSED CHANGES. (a) Provides that this section applies only to a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061(a) and has the effect of making residential development less restrictive than the previous regulation.

(b) Provides that a proposed change 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.

Sec. 211.0067. ATTORNEY GENERAL ENFORCEMENT OF PROPOSED CHANGE PROVISIONS. (a) Defines "no-new-revenue tax rate" and "tax year."

(b) Authorizes a person to submit a complaint to the attorney general of a suspected violation of Section 211.0061, 211.0063, or 211.0065.

(c) Prohibits a municipality, if the attorney general determines that a municipality has violated Section 211.0061, 211.0063, or 211.0065, notwithstanding any other law, from adopting an ad valorem tax rate that exceeds the municipality's no-new-revenue tax rate for the three tax years that begin on or after the date of the determination.

Sec. 211.0069. EFFECT OF PROPOSED CHANGE PROVISIONS ON CERTAIN RULES AND RESTRICTIONS. Provides that Sections 211.0061, 211.0063, 211.0064, 211.0065, and 211.0067 do not limit the applicability of a historic preservation rule, deed restriction, or homeowners association rule.

SECTION 4. Repealer: Section 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), Local Government Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2025.