

BILL ANALYSIS

Senate Research Center
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S.B. 854
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns about the need for additional housing in Texas, particularly affordable housing, to address the state's ongoing housing shortage. Texas is facing a significant deficit in housing units, with lower and middle-income families struggling to find affordable places to live. At the same time, many religious organizations own underutilized land, such as vacant lots and parking areas, that could be repurposed to provide much-needed housing. However, restrictive zoning laws and municipal regulations often prevent faith-based organizations from using their own land for this purpose. Current law allows municipalities to impose burdensome land-use restrictions that limit residential development, including by religious institutions. These restrictions can include zoning barriers, parking requirements, and setback mandates that make it difficult or impossible for churches and other religious entities to build housing on their property.

S.B. 854 addresses this issue by granting religious organizations the right to develop multifamily and mixed-use housing on their land. The bill prohibits municipalities from requiring special zoning changes, variances, or additional approvals for such projects. It also prevents cities from imposing excessive height restrictions, setbacks, parking requirements, or other regulatory barriers that would otherwise hinder the construction of housing on religious land. This legislation empowers churches, synagogues, mosques, and other religious groups to use their land to benefit their communities, aligning with their mission to serve those in need. S.B. 854 ensures that religious organizations have the freedom to use their land for housing development without unnecessary governmental interference. By reducing zoning barriers and promoting responsible development, the bill helps address the state's housing shortage while upholding property rights and religious liberty.

As proposed, S.B. 854 amends current law relating to municipal regulation of multifamily and mixed-use development on religious land.

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 Chapter 212, Local Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. REGULATION OF DEVELOPMENT ON RELIGIOUS LAND.

Sec. 212.251. DEFINITIONS. Defines "group home," "heavy industrial use," "housing organization," "mixed-use," "multifamily," "religious land," "religious organization," and "supportive housing."

Sec. 212.252. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter does not apply to religious land located within a quarter mile of a heavy industrial use, an airport, a seaport, or a military base.

Sec. 212.253. ALLOWABLE USES. (a) Requires a municipality to permit multifamily and mixed-use as allowable uses on religious land.

(b) Prohibits a municipality, notwithstanding any other law, from requiring a proposed multifamily or mixed-use development on religious land to obtain a zoning or land use change, special exception, variance, conditional use approval, special use permit, comprehensive plan amendment, or other land use classification or approval to permit the proposed use and development; or allow for the minimum densities, building height, setbacks, and site development regulations authorized under this subchapter.

Sec. 212.254. PROHIBITED MUNICIPAL REQUIREMENTS. Prohibits a municipality, for a multifamily or mixed-use development on religious land, from:

(1) restricting the height of a proposed development to less than 40 feet and three full stories;

(2) requiring front setbacks greater than 15 feet, rear setbacks greater than 10 feet, or side setbacks greater than 5 feet;

(3) establishing minimum parking requirements except as necessary to comply with federal law;

(4) restricting the ratio of the development's proposed building gross floor area to site area, building coverage, density, unit size or number base as compared to site area, size of a unit, or otherwise restrict development using any other dimensional constraint except as provided by Subdivisions (1) and (2);

(5) prohibiting supportive housing or group homes; or

(6) for a proposed development converting an existing building from a different use to a multifamily or mixed-use, requiring the conversion to exceed standards imposed by the International Building Code.

Sec. 212.255. PERMITTED MUNICIPAL REGULATION. Provides that this subchapter does not affect a municipality's authority to apply the following that are generally applicable to other developments in the municipality: sewer and water access requirements, stormwater mitigation requirements, and except as otherwise provided by this subchapter, building codes.

Sec. 212.256. DUTY TO APPROVE. (a) Requires a municipality to approve an application for a multifamily or mixed-use development on religious land if the development satisfies the municipality's land development regulations for multifamily or mixed-use developments, as applicable, other than a regulation involving a matter described by Section 212.254.

(b) Provides that the municipality's duty to approve a development under Subsection (a) is purely ministerial.

Sec. 212.257. ACTION. (a) Authorizes a person affected by a municipality's violation of this subchapter or a housing organization to bring an action against the municipality or an officer or employee of the municipality in the officer's or employee's official capacity for relief described by Subsection (c).

(b) Requires a claimant to bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) Authorizes a court, in an action brought under this section, to:

(1) enter a declaratory judgment under Chapter 37 (Declaratory Judgments), Civil Practice and Remedies Code;

(2) issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter;

(3) issue an injunction preventing the defendant from violating this subchapter; and

(4) award damages to the claimant for economic losses caused by the defendant's violation of this subchapter if the claimant is a person affected or aggrieved by the violation that is the basis for the action.

(d) Requires a court to award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant.

(e) Provides that governmental immunity of a municipality to suit and from liability is waived to the extent of liability created by this section. Provides that official immunity of a municipal officer or employee is waived to the extent of liability created by this section.

(f) Provides that the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an appeal or original proceeding arising from an action brought under this section.

SECTION 2. Effective date: September 1, 2025.