

BILL ANALYSIS

C.S.S.B. 2215
By: Campbell
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that, even though property owners are afforded certain protections under state law regarding municipal zoning authority, the process through which those provisions are enforced remains unclear. The bill sponsor has also informed the committee that municipalities often cite *City of El Paso v. Heinrich* (Tex. 2009) to argue that the Uniform Declaratory Judgments Act does not contain an express waiver of sovereign immunity and that, because of this, municipalities cannot be sued for declaratory relief. The bill sponsor further informed the committee that, in that opinion, the court clarified that, for claims challenging the validity of ordinances or statutes, the Uniform Declaratory Judgments Act requires that the applicable governmental entities be made parties and, thus, effectively waives immunity. Moreover, property owners currently have the right to challenge zoning ordinances, including emergency or amendatory zoning ordinances, if the ordinances are passed without following applicable requirements under state law. C.S.S.B. 2215 seeks to clarify existing law, reduce unnecessary expenses for both municipalities and private property owners, and reinforce private property rights by providing for a clear and unambiguous waiver of immunity for claims brought against a municipality relating to violations of statutory provisions relating to municipal zoning authority.

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.S.B. 2215 amends the Local Government Code to authorize a person affected or aggrieved by a municipality's violation of statutory provisions relating to municipal zoning authority to bring an action against the municipality for mandamus or declaratory or injunctive relief. A municipality's governmental immunity from suit is waived in regard to an action under these provisions. The bill authorizes a court to award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under these provisions.

C.S.S.B. 2215 applies to a violation of statutory provisions relating to municipal zoning authority that occurred before, on, or after the bill's effective date except that a final judgment regarding a violation of those provisions that existed on the bill's effective date remains unaffected by the bill.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 2215 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a procedural provision absent from the engrossed establishing that the bill applies to a violation of statutory provisions relating to municipal zoning authority that occurred before, on, or after the bill's effective date except that a final judgment regarding a violation of those provisions that existed on the bill's effective date remains unaffected by the bill.