

By: Talarico

H.B. No. 2480

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county regulation of accessory dwelling units; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 249 to read as follows:

CHAPTER 249. REGULATION OF ACCESSORY DWELLING UNITS BY MUNICIPALITIES AND COUNTIES

Sec. 249.001. DEFINITION. In this chapter, "accessory dwelling unit" means a residential housing unit that is:

(1) located on any lot that is not zoned or is zoned for a single-family home or duplex;

(2) independent of the attached or detached primary dwelling unit; and

(3) a complete and independent living facility for at least one individual.

Sec. 249.002. AUTHORIZED REGULATIONS. (a) The governing body of a municipality or county may by ordinance or order regulate accessory dwelling units in accordance with this chapter. The ordinance or order may:

(1) allow an owner of a lot described by Section 249.001(1) to build an accessory dwelling unit before, after, or concurrently with the building of the primary dwelling unit on the lot;

1 (2) subject to Section 249.003(d), allow the owner to
2 sell or enter into a residential lease of an accessory dwelling
3 unit;

4 (3) allow owner occupancy of the primary dwelling
5 unit;

6 (4) allow parking for an accessory dwelling unit;

7 (5) allow an owner of a lot zoned for a single-family
8 home or duplex to convert an existing structure to an accessory
9 dwelling unit;

10 (6) regulate the design of an accessory dwelling unit,
11 including the shape, size, massing, or distribution of square
12 footage between floors;

13 (7) charge an impact fee in any amount for an accessory
14 dwelling unit that is more than 800 square feet;

15 (8) charge any additional fee or any exaction,
16 including a parkland or right-of-way dedication, specific to
17 accessory dwelling units;

18 (9) allow an owner of a lot that is at least 10,000
19 square feet that is described by Section 249.001(1) to build two
20 accessory dwelling units before, after, or concurrently with the
21 primary dwelling unit; or

22 (10) allow the construction of accessory dwelling
23 units consistent with this chapter under otherwise applicable open
24 space or permeable surface restrictions.

25 (b) Subsection (a)(4) does not limit a municipality's or
26 county's authority to require the replacement of parking required
27 for the primary dwelling unit if the accessory dwelling unit

1 construction eliminates the primary dwelling unit's existing
2 parking.

3 (c) An ordinance or order adopted under this section may
4 authorize an accessory dwelling unit on a lot that:

5 (1) contains a structure subject to a historic
6 preservation law, subject to a municipality's or county's authority
7 to regulate under other law, including Section 211.003;

8 (2) is located in an area used to implement a water
9 conservation plan described by Section 11.1271 or 13.146, Water
10 Code; or

11 (3) is located in an area subject to a standard imposed
12 by the Texas Water Development Board as described by Section
13 3000.002(c), Government Code.

14 (d) An ordinance or order adopted under this section may not
15 impose a restriction on an accessory dwelling unit on the basis of
16 age or employment relationship with the primary dwelling unit
17 owner.

18 Sec. 249.003. AUTHORIZED LIMITATIONS. (a) A
19 municipality's or county's height limitations, front setback
20 limitations, site plan review, and other zoning requirements that
21 are generally applicable to residential construction for the area
22 in which an accessory dwelling unit is built apply to the accessory
23 dwelling unit.

24 (b) A municipality or county may publish accessory dwelling
25 unit plans, building codes, and design standards that are permitted
26 in the municipality or county. Standards may include height,
27 setback, landscape, aesthetics standards, and maximum size of an

1 accessory dwelling unit.

2 (c) A municipality or county may apply the municipality's or
3 county's regulations on short-term rental units to an accessory
4 dwelling unit.

5 (d) A municipality or county may prohibit the sale of an
6 accessory dwelling unit separately from the primary dwelling unit.

7 Sec. 249.004. PERMIT APPROVAL DEADLINE. A municipality or
8 county that requires a permit to construct an accessory dwelling
9 unit may prescribe a deadline for approving the permit.

10 Sec. 249.005. EFFECT ON OTHER LAW. (a) This chapter does
11 not affect a municipality's or county's authority to regulate
12 accessory dwelling units under other law.

13 (b) This chapter does not supersede, preempt, or apply to a
14 historic preservation rule, deed restriction, or homeowners
15 association rule that limits or prohibits the construction of an
16 accessory dwelling unit.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.