

By: Patterson, et al.

H.B. No. 5187

Substitute the following for H.B. No. 5187:

By: Gates

C.S.H.B. No. 5187

A BILL TO BE ENTITLED

AN ACT

relating to certain municipal regulation of conversion of certain office buildings to mixed-use and multifamily residential occupancy.

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

SECTION 1. Subtitle A, Title 7, Local Government Code, is amended by adding Chapter 218 to read as follows:

CHAPTER 218. REGULATION OF MIXED-USE AND MULTIFAMILY RESIDENTIAL  
USE AND DEVELOPMENT IN CERTAIN MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 218.001. DEFINITIONS. In this chapter:

(1) "Heavy industrial use" means a storage, processing, or manufacturing use:

(A) with processes using flammable or explosive materials;

(B) with hazardous conditions; or

(C) that is noxious or offensive from odors, smoke, noise, fumes, or vibrations.

(2) "Mixed-use residential," when used to describe land use or development, means the use or development, as applicable, of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development. The term includes the use or development of a condominium.

1           (3) "Multifamily residential," when used to describe  
2 land use or development, means the use or development, as  
3 applicable, of a site for three or more dwelling units within one or  
4 more buildings. The term includes the use or development of a  
5 residential condominium.

6           (4) "Permit" has the meaning assigned by Section  
7 245.001.

8           Sec. 218.002. APPLICABILITY OF CHAPTER. This chapter  
9 applies only to a municipality with a population greater than  
10 150,000 that is wholly or partly located in a county with a  
11 population greater than 300,000.

12           Sec. 218.003. NO EFFECT ON OTHER RESTRICTIONS AND RULES.  
13 This chapter does not limit:

14           (1) a municipality from adopting or enforcing an  
15 ordinance, regulation, or other measure:

16                   (A) to protect historic landmarks or include  
17 properties within the boundaries of local historic districts; or

18                   (B) related to the use and occupancy of a  
19 residential property that is rented for a period not longer than 30  
20 consecutive days; or

21           (2) a property owner from enforcing rules or deed  
22 restrictions imposed by a property owners' association or by other  
23 private agreement.

24           SUBCHAPTER B. FEES AND REGULATIONS APPLICABLE TO CONVERSION OF  
25                                   CERTAIN USES

26           Sec. 218.101. APPLICABILITY. (a) This subchapter applies  
27 only to a building or the structural components of a building that:

1           (1) is being used primarily for office use;

2           (2) is proposed to be converted from primarily office  
3 use to mixed-use residential or multifamily residential occupancy  
4 for at least 65 percent of the building and at least 65 percent of  
5 each floor of the building that is fit for occupancy; and

6           (3) was constructed at least five years before the  
7 proposed date to start the conversion.

8           (b) This subchapter does not apply to a building proposed to  
9 be converted to mixed-use residential or multifamily residential  
10 use that is located:

11           (1) in an area subject to a zoning classification that  
12 allows heavy industrial use; or

13           (2) within:

14           (A) 1,000 feet of an existing heavy industrial  
15 use or development site;

16           (B) 3,000 feet of an airport or military base; or

17           (C) 15,000 feet of the boundary of a military  
18 base if the area is designated by a municipality or joint airport  
19 zoning board, as applicable, as a clear zone or accident potential  
20 zone supporting military aviation operations.

21           Sec. 218.102. CERTAIN REGULATIONS PROHIBITED. (a)  
22 Notwithstanding any other law, a municipality may not, in  
23 connection with the use, development, construction, or occupancy of  
24 a building proposed to be converted to mixed-use residential or  
25 multifamily residential use, require:

26           (1) the preparation of a traffic impact analysis or  
27 other study relating to the effect the proposed converted building

1 would have on traffic or traffic operations;

2 (2) the construction of improvements or payment of a  
3 fee in connection with mitigating traffic effects related to the  
4 proposed converted building;

5 (3) the provision of additional parking spaces, other  
6 than the parking spaces that already exist on the site of the  
7 proposed converted building;

8 (4) the extension, upgrade, replacement, or  
9 oversizing of a utility facility except as necessary to provide the  
10 minimum capacity needed to serve the proposed converted building;

11 (5) a limit on density applicable to the site of the  
12 proposed converted building that is more restrictive than the  
13 greater of:

14 (A) the highest residential density allowed in  
15 the municipality; or

16 (B) 36 units per acre;

17 (6) a building proposed to be converted to multifamily  
18 residential occupancy not located in an area zoned for mixed-use  
19 residential use to include nonresidential uses;

20 (7) a design requirement, including a requirement  
21 related to the exterior, windows, internal environment of a  
22 building, or interior space dimensions of an apartment, that is  
23 more restrictive than the applicable minimum standard under the  
24 International Building Code as adopted as a municipal commercial  
25 building code under Section [214.216](#);

26 (8) the change of a zoning district or land use  
27 classification or regulation or an approval of an amendment,

exception, or variance to a zoning district or land use classification or regulation prior to allowing conversion of a building to mixed-use residential use or multifamily residential use;

(9) a floor-to-area ratio that is less than the greater of:

(A) 120 percent of the existing floor-to-area ratio of the building, if the proposed conversion does not increase the existing height or site coverage of the building; or

(B) the highest floor-to-area ratio allowed for a building on the site;

(10) a limit on impervious cover or site coverage that is less than the existing impervious cover or site coverage of the building or site; or

(11) an additional drainage, detention, or water quality requirement, if the proposed conversion does not increase the amount of impervious cover on the building site.

(b) For the purposes of Subsection (a)(8), an amendment, exception, or variance to a zoning district or land use classification or regulation includes a special exception, zoning variance, site development variance, subdivision variance, conditional use approval, special use permit, comprehensive plan amendment, or other discretionary approval to allow conversion of a building to mixed-use residential use or multifamily residential use.

Sec. 218.103. IMPACT FEE PROHIBITED. A municipality may not impose an impact fee, as defined by Section [395.001](#), on land

1 where a building has been converted to mixed-use residential or  
2 multifamily residential use unless the land on which the building  
3 is located was already subject to an impact fee before a building  
4 permit related to the conversion was filed with the municipality.

5 Sec. 218.104. ADMINISTRATIVE APPROVAL REQUIRED.

6 Notwithstanding any other law, if a municipal authority responsible  
7 for approving a building permit or other authorization required for  
8 the conversion of a building to mixed-use residential use or  
9 multifamily residential use determines that a proposed conversion  
10 meets municipal regulations in accordance with this subchapter, the  
11 municipal authority:

12 (1) shall administratively approve the permit or other  
13 authorization; and

14 (2) may not require further action by the governing  
15 body of the municipality for the approval to take effect.

16 SUBCHAPTER C. ENFORCEMENT

17 Sec. 218.201. CIVIL ACTION. (a) In this section, "housing  
18 organization" means a:

19 (1) trade or industry group organized under the laws  
20 of this state consisting of local members primarily engaged in the  
21 construction or management of housing units;

22 (2) nonprofit organization organized under the laws of  
23 this state that:

24 (A) provides or advocates for increased access or  
25 reduced barriers to housing; and

26 (B) has filed written or oral comments with the  
27 legislature; or

1           (3) nonprofit organization that is engaged in public  
2 policy research, education, and outreach that includes housing  
3 policy-related issues and advocacy.

4           (b) A housing organization or other person adversely  
5 affected or aggrieved by a violation of this chapter may bring an  
6 action for declaratory or injunctive relief against a municipality.

7           (c) A court shall award reasonable attorney's fees and court  
8 costs to a prevailing claimant in an action brought under this  
9 section.

10          (d) Notwithstanding any other law, including Chapter 15,  
11 Civil Practice and Remedies Code, an action brought under this  
12 section must be brought in a county in which all or part of the real  
13 property that is the subject of the action is located.

14          (e) Notwithstanding any other law, the Fifteenth Court of  
15 Appeals has exclusive intermediate appellate jurisdiction over an  
16 action brought under this section.

17          SECTION 2. Section 395.011, Local Government Code, is  
18 amended by amending Subsection (b) and adding Subsection (b-1) to  
19 read as follows:

20          (b) Except as provided by Section 218.103 and Subsection  
21 (b-1), political [Political] subdivisions may enact or impose  
22 impact fees on land within their corporate boundaries or  
23 extraterritorial jurisdictions only by complying with this  
24 chapter.

25          (b-1) A political subdivision may not enact or impose an  
26 impact fee on land within its~~[, except that impact fees may not be~~  
27 ~~enacted or imposed in the]~~ extraterritorial jurisdiction for

1 roadway facilities.

2       SECTION 3. Chapter 218, Local Government Code, as added by  
3 this Act, applies only to a building proposed to be converted to  
4 mixed-use residential or multifamily residential use in which a  
5 building permit was submitted to a municipality on or after the  
6 effective date of this Act.

7       SECTION 4. This Act takes effect September 1, 2025.