

By: Hughes, et al.
(Gates)

S.B. No. 673

Substitute the following for S.B. No. 673:

By: Gates

C.S.S.B. No. 673

A BILL TO BE ENTITLED

AN ACT

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

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. MUNICIPAL AND COUNTY REGULATION OF ACCESSORY DWELLING UNITS

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. APPLICABILITY OF CHAPTER. (a) Sections 249.004(a)(6), (7), (8), (9), (10), and (11) do not apply to a municipality with a population of less than 150,000 or a county with a population of less than 300,000 if the municipality or county has adopted regulations for accessory dwelling units that:

(1) allow for a minimum accessory dwelling unit size of at least 850 square feet; and

(2) are not more restrictive than the requirements

that would apply to a single-family home located on the site of the accessory dwelling unit.

(b) Nothing in this section may be construed to prohibit a municipality or county from adopting less restrictive standards for accessory dwelling units.

Sec. 249.003. CONSTRUCTION OF CHAPTER. This chapter may not be construed to affect or conflict with requirements implementing state water quality laws, including Chapter 366, Health and Safety Code.

Sec. 249.004. CERTAIN REGULATIONS PROHIBITED. (a) A municipality or county may not adopt or enforce an order, ordinance, or other measure that:

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

(2) prohibits the owner from entering into a residential lease for an accessory dwelling unit;

(3) requires any owner occupancy of the primary dwelling unit;

(4) requires parking for an accessory dwelling unit on a lot that:

(A) is less than 7,000 square feet; or

(B) is located within 1,320 feet of a public transit line;

(5) requires a minimum lot size for an accessory dwelling unit that is larger than the minimum lot size required by

1 the municipality or county for:

2 (A) a single-family home or duplex, as
3 applicable, in a lot zoned for that purpose; or

4 (B) an accessory dwelling unit on September 1,
5 2025, if the municipality or county only required a property owner
6 to provide notice to the municipality or county of the proposed unit
7 to be authorized to build the unit;

8 (6) requires side or rear building, plane, or other
9 setbacks, not including setbacks related to environmental
10 features, erosion, or waterways to the extent authorized by federal
11 or state law, larger than five feet for an accessory dwelling unit;

12 (7) prevents an owner of a lot zoned for a
13 single-family home or duplex from converting an existing structure
14 to an accessory dwelling unit by requiring setbacks larger than the
15 current structure's setbacks;

16 (8) applies the municipality's or county's local
17 growth restrictions or density or bulk limitations to an accessory
18 dwelling unit;

19 (9) provides a limitation on the square footage of an
20 accessory dwelling unit that is less than:

21 (A) 50 percent of the square footage of the
22 primary dwelling unit; or

23 (B) 800 square feet;

24 (10) regulates the design of an accessory dwelling
25 unit, including the shape, massing, or distribution of square
26 footage between floors;

27 (11) requires the height of an accessory dwelling unit

1 to be less than 14 feet, measured from floor to ceiling;

2 (12) charges an impact fee unless the accessory
3 dwelling unit requires:

4 (A) an increase in the size of the meter or
5 connection to serve the primary dwelling unit; or

6 (B) a new meter or connection for the accessory
7 dwelling unit;

8 (13) charges any additional fee or any exaction,
9 including a parkland or right-of-way dedication;

10 (14) imposes any restriction of accessory dwelling
11 unit occupancy on the basis of age or employment relationship with
12 the primary dwelling unit owner;

13 (15) prohibits construction of an accessory dwelling
14 unit in accordance with the current residential building code
15 adopted by this state or a housing regulatory authority of this
16 state; or

17 (16) prohibits an accessory dwelling unit based on its
18 orientation on the lot with respect to the primary dwelling unit if
19 space allows for that orientation.

20 (b) Subsection (a)(4) does not limit a municipality's or
21 county's authority to require the replacement of parking required
22 for the primary dwelling unit if the accessory dwelling unit
23 construction eliminates the primary dwelling unit's existing
24 parking.

25 Sec. 249.005. AUTHORIZED REGULATION. (a) Except as
26 provided by this chapter, a municipality or county may apply the
27 municipality's or county's height limitations, front setback

1 limitations, open space or impervious cover limitations,
2 floodplain requirements, waterway setbacks, environmental
3 setbacks, drainage requirements, requirements related to erosion,
4 site plan review, and other zoning requirements to the extent
5 authorized by federal or state law, but only if those requirements:

6 (1) would be applicable to a single-family home or
7 duplex located on the same site as the accessory dwelling unit; and

8 (2) are not more restrictive than the requirements
9 applicable to a single-family home or duplex.

10 (b) A municipality or county may publish accessory dwelling
11 unit plans, building codes, and design standards that are permitted
12 in the municipality or county. Subject to Section 249.004,
13 standards may include height, setback, landscape, and maximum size
14 of an accessory dwelling unit.

15 (c) A municipality or county may authorize an accessory
16 dwelling unit on a lot that:

17 (1) contains a structure subject to a historic
18 preservation law, subject to a municipality's or county's authority
19 to regulate under other law, including Section [211.003](#);

20 (2) is located in an area used to implement a water
21 conservation plan described by Section [11.1271](#) or [13.146](#), Water
22 Code; or

23 (3) is located in an area subject to a standard imposed
24 by the Texas Water Development Board as described by Section
25 [3000.002\(c\)](#), Government Code.

26 (d) A municipality or county may apply the municipality's or
27 county's regulations on short-term rental units to an accessory

1 dwelling unit.

2 (e) A municipality or county may prohibit the sale of an
3 accessory dwelling unit separately from the primary dwelling unit
4 unless:

5 (1) the accessory dwelling unit is located on a
6 separate lot from the primary dwelling unit; or

7 (2) the accessory dwelling unit and the primary
8 dwelling unit are separate condominium units under Chapter 82,
9 Property Code.

10 (f) A municipality or county may apply the municipality's or
11 county's parking regulations that are not prohibited under Section
12 249.004(a)(4) to an accessory dwelling unit if the regulations do
13 not:

14 (1) require more than one parking space for each
15 accessory dwelling unit; and

16 (2) regulate the placement or adequacy of parking.

17 Sec. 249.006. PERMIT APPROVAL REQUIREMENTS. (a) A
18 municipality or county that requires a permit to construct an
19 accessory dwelling unit shall:

20 (1) process the application for the permit
21 ministerially without discretionary review or a hearing;

22 (2) consider only whether the application satisfies
23 the applicable building codes, design standards, and fire codes;
24 and

25 (3) approve or deny the application not later than the
26 60th day after the date the applicant submits the completed
27 application.

1 (b) A permit application described by Subsection (a) is
2 considered approved if the municipality or county to which the
3 application is submitted does not approve or deny the application
4 on or before the 60th day after the date the applicant submits the
5 application.

6 Sec. 249.007. EFFECT ON OTHER RESTRICTIONS AND RULES. This
7 chapter does not supersede, preempt, or apply to a historic
8 preservation rule, deed restriction, or homeowners association
9 rule that limits or prohibits the construction of an accessory
10 dwelling unit.

11 Sec. 249.008. PROPERTY OWNER ACTION. (a) A property owner
12 may bring an action against a municipality or county that violates
13 this chapter for appropriate equitable relief.

14 (b) A court may award a prevailing claimant reasonable
15 attorney's fees and costs incurred in bringing an action under this
16 section.

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.