

By: Hughes

S.B. No. 844

A BILL TO BE ENTITLED

AN ACT

relating to procedures for changes to a zoning regulation or district boundary.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0061 to read as follows:

Sec. 211.0061. PROTEST PROCEDURES FOR CERTAIN PROPOSED CHANGES. (a) This section applies only to a proposed change to a zoning regulation or district boundary:

(1) requested by an owner of real property that is subject to the proposed change; or

(2) initiated by a municipality that has the effect of making residential development more restrictive than the previous regulation.

(b) A protest of a proposed change to a zoning regulation or district boundary must be written and signed by the owners of at least 60 percent of either:

(1) the area of the lots or land covered by the proposed change; or

(2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

(d) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (b), the

1 proposed change must receive, in order to take effect, the  
2 affirmative vote of at least:

3 (1) three-fourths of all members of the governing body  
4 for a protest described by Subsection (b)(1); or

5 (2) a majority of all members of the governing body for  
6 a protest described by Subsection (b)(2).

7 SECTION 2. Section 211.006(e), Local Government Code, is  
8 transferred to Section 211.0061, Local Government Code, as added by  
9 this Act, redesignated as Section 211.0061(c), Local Government  
10 Code, and amended to read as follows:

11 (c) [~~(e)~~] In computing the percentage of land area under  
12 Subsection (b) [~~(d)~~], the area of streets and alleys shall be  
13 included.

14 SECTION 3. Subchapter A, Chapter 211, Local Government  
15 Code, is amended by adding Sections 211.0063, 211.0064, 211.0065,  
16 211.0067, and 211.0069 to read as follows:

17 Sec. 211.0063. NOTICE FOR OTHER PROPOSED CHANGES. The  
18 notice described by Section 211.006(a) or 211.007(d), as  
19 applicable, is the only notice required for a proposed change to a  
20 zoning regulation or district boundary that is not described by  
21 Section 211.0061(a).

22 Sec. 211.0064. CIVIL ACTION TO COMPEL ADOPTION OF OTHER  
23 PROPOSED CHANGES. (a) The following persons may bring an action  
24 against a municipality for declaratory and injunctive relief to  
25 compel the municipality to adopt a proposed change to a zoning  
26 regulation or district boundary that is not described by Section  
27 211.0061(a):

1           (1) a person who applies for a change to a zoning  
2 regulation or district boundary applicable to the area subject to  
3 the proposed change;

4           (2) a person eligible to apply for residency in a  
5 housing development project in the area subject to the proposed  
6 change; or

7           (3) a nonprofit organization.

8           (b) In an action brought under Subsection (a), a court  
9 shall:

10           (1) ensure that its order or judgment is implemented;  
11 and

12           (2) award a prevailing claimant reasonable attorney's  
13 fees and costs incurred in bringing the action.

14           (c) Notwithstanding any other law, including Chapter 15,  
15 Civil Practice and Remedies Code, an action brought under  
16 Subsection (a) may be brought in:

17           (1) the county in which all or a substantial part of  
18 the events or omissions giving rise to the claim occurred;

19           (2) the county of residence for any one of the natural  
20 person defendants at the time the cause of action accrued;

21           (3) the county of the principal office in this state of  
22 any one of the defendants that is not a natural person; or

23           (4) the county of residence for the claimant if the  
24 claimant is a natural person residing in this state.

25           (d) If an action is brought under Subsection (a) in any one  
26 of the venues described by Subsection (c), the action may not be  
27 transferred to a different venue without the written consent of all

1 parties.

2 (e) Notwithstanding any other law, the Fifteenth Court of  
3 Appeals has exclusive intermediate appellate jurisdiction over an  
4 action brought under Subsection (a).

5 Sec. 211.0065. PRESUMPTION OF VALIDITY FOR LESS RESTRICTIVE  
6 OTHER PROPOSED CHANGES. (a) This section applies only to a  
7 proposed change to a zoning regulation or district boundary that:

8 (1) is not described by Section 211.0061(a); and

9 (2) has the effect of making residential development  
10 less restrictive than the previous regulation.

11 (b) A proposed change is conclusively presumed valid and to  
12 have occurred in accordance with all applicable statutes and  
13 ordinances if an action to annul or invalidate the change has not  
14 been filed before the 60th day after the effective date of the  
15 change.

16 Sec. 211.0067. ATTORNEY GENERAL ENFORCEMENT OF PROPOSED  
17 CHANGE PROVISIONS. (a) In this section:

18 (1) "No-new-revenue tax rate" means the  
19 no-new-revenue tax rate calculated under Chapter 26, Tax Code.

20 (2) "Tax year" has the meaning assigned by Section  
21 1.04, Tax Code.

22 (b) A person may submit a complaint to the attorney general  
23 of a suspected violation of Section 211.0061, 211.0063, or  
24 211.0065.

25 (c) Notwithstanding any other law, if the attorney general  
26 determines that a municipality has violated Section 211.0061,  
27 211.0063, or 211.0065, the municipality may not adopt an ad valorem

1 tax rate that exceeds the municipality's no-new-revenue tax rate  
2 for the three tax years that begin on or after the date of the  
3 determination.

4 Sec. 211.0069. EFFECT OF PROPOSED CHANGE PROVISIONS ON  
5 CERTAIN RULES AND RESTRICTIONS. Sections 211.0061, 211.0063,  
6 211.0064, 211.0065, and 211.0067 do not limit the applicability of  
7 a historic preservation rule, deed restriction, or homeowners  
8 association rule.

9 SECTION 4. Section [211.006\(d\)](#), Local Government Code, is  
10 repealed.

11 SECTION 5. The changes in law made by this Act apply only to  
12 a proposal to change a municipal zoning regulation or district  
13 boundary made on or after the effective date of this Act.

14 SECTION 6. This Act takes effect September 1, 2025.