

1-1 By: Bettencourt S.B. No. 1882
1-2 (In the Senate - Filed March 4, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Local Government;
1-4 April 1, 2025, reported favorably by the following vote: Yeas 6,
1-5 Nays 1; April 1, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Middleton	X			
1-9 Cook		X		
1-10 Gutierrez	X			
1-11 Nichols	X			
1-12 Paxton	X			
1-13 West	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the imposition by a municipality of a moratorium on
1-18 property development in certain circumstances.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 212.134(b), (c), and (f), Local
1-21 Government Code, are amended to read as follows:

1-22 (b) A public hearing must provide municipal residents and
1-23 affected parties an opportunity to be heard. The municipality
1-24 shall, not later than the 30th day before the date of a hearing:

1-25 (1) ~~[must]~~ publish notice of the time and place of the
1-26 ~~[a]~~ hearing in a newspaper of general circulation in the
1-27 municipality; and

1-28 (2) send notice of the hearing by certified mail to any
1-29 person who has given written notice by certified or registered mail
1-30 to the municipal secretary requesting notice of the hearing within
1-31 two years preceding the date of adoption of the ordinance or
1-32 resolution setting the public hearing ~~[on the fourth day before the~~
1-33 ~~date of the hearing]~~.

1-34 (c) The governing body of a municipality shall hold two
1-35 public hearings on a moratorium on property development proposed to
1-36 be adopted under this subchapter. The governing body may not hold
1-37 the second public hearing before the 30th day after the date of the
1-38 first public hearing ~~[Beginning on the fifth business day after the~~
1-39 ~~date a notice is published under Subsection (b), a temporary~~
1-40 ~~moratorium takes effect. During the period of the temporary~~
1-41 ~~moratorium, a municipality may stop accepting permits,~~
1-42 ~~authorizations, and approvals necessary for the subdivision of,~~
1-43 ~~site planning of, or construction on real property].~~

1-44 (f) Not later than the 12th day ~~[Within 12 days]~~ after the
1-45 date of the second ~~[first]~~ public hearing, the governing body of the
1-46 municipality shall begin ~~[make]~~ a final determination on the
1-47 imposition of a moratorium by giving the ordinance imposing the
1-48 moratorium at least two readings that are not less than 28 days
1-49 apart. The ordinance must receive the affirmative vote of at least
1-50 two-thirds of all members of the governing body on final reading in
1-51 order to take effect. ~~[Before an ordinance adopting a moratorium~~
1-52 ~~may be imposed, the ordinance must be given at least two readings by~~
1-53 ~~the governing body of the municipality. The readings must be~~
1-54 ~~separated by at least four days.]~~ If the governing body
1-55 ~~[municipality]~~ fails to adopt an ordinance imposing a moratorium
1-56 within the period prescribed by this subsection, the municipality
1-57 may not adopt the ~~[an]~~ ordinance ~~[imposing a moratorium may not be~~
1-58 ~~adopted, and the temporary moratorium imposed under Subsection (c)~~
1-59 ~~expires].~~

1-60 SECTION 2. Section 212.1362, Local Government Code, is
1-61 amended to read as follows:

Sec. 212.1362. EXPIRATION OF MORATORIUM ~~[ON COMMERCIAL PROPERTY IN CERTAIN CIRCUMSTANCES]~~; EXTENSION. (a) A moratorium ~~[on commercial property]~~ adopted under this subchapter ~~[Section 212.1352]~~ expires on the 90th day after the date the moratorium is adopted unless the governing body of the municipality extends the moratorium by:

(1) holding a public hearing on the proposed extension of the moratorium; and

(2) adopting written findings that:
(A) identify the problem requiring the need for extending the moratorium;

(B) describe the reasonable progress made to alleviate the problem;

(C) specify a definite duration for the renewal period of the moratorium; and

(D) include a summary of evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.

(b) A municipality may not adopt a moratorium ~~[on commercial property]~~ under this subchapter:

(1) ~~[Section 212.1352]~~ that exceeds an aggregate of 180 days; or

(2) ~~[. A municipality may not adopt a moratorium on commercial property under Section 212.1352]~~ before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of ~~[commercial]~~ property, or affects the same geographical area identified by the previous moratorium.

SECTION 3. The following provisions of the Local Government Code are repealed:

(1) Sections 212.134(d) and (e); and

(2) Section 212.136.

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

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