

BILL ANALYSIS: SB 844

BY **John Bonura**, Texas Public Policy Foundation

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ISSUE

Ninety percent of Texans believe that housing affordability is an issue in their part of the state. Overburdensome regulations can account for over 20% of the initial cost of housing. Considering the difficulty that Texas families face of finding housing within an affordable range, cities have slowly begun to change their zoning ordinances to allow for more affordable housing to be built. Unfortunately, current laws allow for property owners who own 20% of the land 200 feet around a proposed housing development to bring forth a petition to halt the development, unless three-fourths of the city council votes to override the petition. SB 844 will raise the threshold of land owned that is needed for the petition to 60%, and will lower the threshold for a city council to overturn the petition from three-fourths to a simple majority. These changes will help make housing more affordable by making it much easier for pro-housing ordinances to take effect.

ANALYSIS

Section 1 amends Chapter 211 subchapter A of the Local Government Code by changing language of Section 211.0061 to require that a protest of a change to a zoning regulation or district boundary must be written and signed by the owners of at least 60% of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change extending 200 feet.

To override the protest and allow the proposed change to take effect requires the least of either three-fourths of all members of the governing body or a simple majority of all members of the governing body.

Section 2 Section 211.006(e) is being transferred and redesignated as Section 211.0061(c). The term "(c)" is introduced, replacing the previous designation "(e)." The phrase "the area of streets and alleys shall be included" is added to clarify that streets and alleys are part of the land area computation in Section 211.0061(b).

Section 3 creates an avenue for injunctive relief to compel municipalities to adopt a proposed change to zoning regulations or district boundaries along with defining the proper venue for where the suit would originate as well as its appellate court.

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Section 211.064 presumes that proposed changes that result in making residential development less restrictive valid and in accordance with all applicable statutes and ordinances if action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change.

Section 211.067 allows for the Attorney General to prevent municipalities in violation of Section 211.0061, 211.0063, or 211.0065 from adopting an ad valorem tax rate that exceeds the municipality's no-new-revenue tax rate.

Section 211.0069 states that the added sections do not limit the applicability of historic preservation rules, deed restrictions, or HOA rules.

Section 4 repeals Section 211.006 (d) of the Local Government Code.

Section 5 clarifies that changes in the law made by this Act only apply to proposed changes to municipal zoning regulations or district boundaries made on or after the effective date of the Act.

Section 6 makes the effective date of the Act September 1, 2025.

ABOUT THE AUTHOR



John Bonura is a Policy Analyst for the Taxpayer Protection Project with Texas Public Policy Foundation.

Prior to joining TPPF John served in the University system as a Graduate Assistant until he was given the opportunity to teach Principles of American Government. John holds a Master of Arts in Political Science from Texas State University and a Bachelor of Arts in Political Science from Sam Houston State University.

As a proud Eagle Scout John is an avid camper and enjoys spending time in the outdoors as well as at home with his wife.

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