

BILL ANALYSIS: SB 854

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According to the Housing Reports conducted by the Texas Comptroller's Office, one of the leading causes of the housing affordability crisis is a matter of supply. Zoning regulations in many major metropolitan areas have created an artificial scarcity of houses, which in turn drives up the costs of housing. With this in mind, in order to solve the housing affordability crisis without pouring billions of dollars into subsidized housing, unnecessary zoning restrictions must be removed. Eliminating these restrictions will create opportunities for developers to respond to the real demand of consumers.

SB 854 is one of a series of bills filed in the 89th legislative session aimed at prohibiting municipalities from adopting zoning regulations that would throttle the development of housing. Specifically, SB 854 would prohibit cities from adopting ordinances that would prohibit the development of housing on religious land.

ANALYSIS

Section 1 amends chapter 212 of the Local Government Code by adding Subchapter I entitled "Regulation of Development on Religious Land."

Section 212.251 (1-8) defines the terms:

- Group Home
- Heavy Industrial Use
- Housing Organization
- Mixed-Use
- Multifamily
- Religious Land
- Religious Organization
- Supportive Housing

Section 212.252 clarifies that this subchapter does not apply to religious land located within a quarter mile of a heavy industrial use, airport, seaport, or military base.

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Section 212.253 (a) states that a municipality must permit multifamily and mixed-use on, as allowable, on religious land. Subsection (b) prohibits a municipality from requiring that mixed-use or multifamily on religious land from having to seek zoning or land use change, variance, or other land use classification or approval to:

Permit the proposed use and development or

Allow for minimum densities, building height, setbacks, and site development regulations under this subchapter.

Section 212.254 prohibits municipalities from restricting height, setbacks, parking, or other mixed-use or multifamily building related dimensional constraint. This section also states that a municipality may not prohibit supporting housing or group homes, or the conversion of an existing building to multifamily or mixed-use development.

Section 212.255 clarifies that this section does not affect a municipality's authority to apply the same restriction that are generally applied to other developments in the municipality, i.e.,

Sewer and water access

Stormwater mitigation

And as except otherwise defined in the subchapter, building codes.

Section 212.256 (a) states that a municipality shall approve an application for a multifamily or mixed-use development on religious land if the development satisfies land use regulations as applicable and subsection (b) clarifies that a municipality's duty to approve is purely ministerial.

Section 212.257 Outlines the legal action a person affected by a municipality in violation of this subchapter and the relief they to which they are entitled.

Section 2 Established the effective date of this Act as 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.

