

BILL ANALYSIS: HOUSE BILL 24

BY **Judge Shepard**, Texas Public Policy Foundation
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ISSUE

Texas is currently experiencing a housing shortage. According to the Texas Comptroller, "Texas was 306,000 homes short of what was needed" in 2023 ([Texas Comptroller, 2024](#)). The primary factors influencing the cost of housing are the price of labor and building materials, interest rates, the availability of land, and zoning regulations, according to Robert Dietz, the Chief Economist of the National Association of Home Builders ([Dietz, 2023](#)). Of these factors, two of the most important and controlling are the regulations surrounding zoning and land-use space.

Under current Texas law, Texas Local Government Code Section 211.006 (d), owners of 20% of "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 and extending 200 feet from that area" may block proposed changes to zoning ([Texas Local Government Code Section 211.006 \(d\)](#)). This is "referred to in statute as a 'valid petition' but is known more commonly as the 'tyrant's veto'" ([Bonura, 2024](#)). The tyrant's veto may only be overridden by a vote of at least three-fourths of the municipality's governing body ([Texas Local Government Code Section 211.006 \(f\)](#)). However, "when city councils take action to remove these regulations a minority of landowners should not be able to delay or even completely deny the implementation of these pro-housing reforms" ([Bonura, 2024](#)). House Bill 24 ([2025](#)) seeks to rework this process, so that a minority of property owners may not control the use of their neighbors' property nor infringe upon their neighbors' respective private property rights.

SECTION-BY-SECTION ANALYSIS

Section 1 begins by adding a new section to Chapter 211 of the Local Government Code. This new starts by stating this section only applies to "a proposed change to a zoning regulation or district boundary" ([p. 1](#)). This proposed change must have been requested by an owner of real property that is subject to the change or initiated by a municipality that "has the effect of making residential development more restrictive than the previous regulation" ([p. 1](#)). Further, a proposed change to a zoning regulation or district boundary must be both written and signed by the owners of at least 60% of either the area of the lots or land that is subject to the proposed change, or the area of the lots or land immediately adjacent to the area covered by the proposed change while extending 200 feet from that area. If the proposed change is protested following the method laid out in subsection (b), then in order for the

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proposed change to take effect, then it must receive the affirmative vote of at least three-fourths of all members of the governing body for a protest described in subsection (b) (1) or a majority of all members of the governing body for a protest under subsection (b) (2).

Section 2 moves Section 211.006 (e) of the Local Government Code is transferred to Section 211.0061 of the Local Government Code, which is added by this bill, and is redesignated as Section 211.0061 (c).

Section 3 states that five new sections are added to Chapter 211 of the Local Government Code. The first new section, Section 211.0063, states that the notice for under Sections 211.006 (a) and 211.007 (d) "is the only notice required for a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061 (a)" ([p. 2](#)).

The new Section 211.0064 details a civil action for the compelling of adoption of other proposed changes. Further, it lists the persons that may bring an action against a municipality for declaratory and injunctive relief to compel the municipality to adopt a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061 (a). This list includes a person who applies for a change to a zoning regulation or district boundary applicable to the area subject to the proposed change, a person eligible to apply for residency in a housing development project in the area subject to the proposed change, or a nonprofit organization. It then lays out the court's duties for an action, stating that the court shall ensure that its order or judgment is implemented and "award a prevailing claimant reasonable attorney's fees and costs incurred in bringing the action" ([p. 3](#)). It then defines where this action may be brought, stating that it may be brought in the county in which all or a substantial part of the events or omissions giving rise to the claim occurred, the county of residence for any one of the natural person defendants at the time the cause of action accrued, the county of the principal office in this state of any one of the defendants that is not a natural person, or the county of residence for the claimant if the claimant is a natural person residing in this state. If an action is brought in any one of the aforementioned venues, then the action may not be transferred to a different venue, unless there is written consent of all the parties. Finally, it states that "the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an action brought under Subsection (a)" ([p. 4](#)).

The newly added Section 211.0065 only applies to a proposed change to a zoning regulation or district boundary that is not described by Section 211.0061 (a) and has the effect of making residential development less restrictive than the previous regulation. Also, a proposed change is "conclusively presumed valid and to have occurred in accordance with all applicable statutes and ordinances if an action to annul or invalidate the change has not been filed before the 60th day after the effective date of the change" ([p. 4](#)).

Again, the added Section 211.0067 deals with enforcement of proposed changes. It begins by defining "No-new-revenue tax rate" and "Tax year" ([p. 4](#)). A person may submit a complaint to the attorney general if that person suspects a violation of Section 211.0061, 211.0063, or 211.0065 of the Local Government Code, then if the attorney general determines that a municipality has violated one of these sections, then the municipality "may not adopt an ad valorem tax rate that exceeds the municipality's no-new-revenue tax rate for the three years that begin on or after the date of the determination" ([pp. 4-5](#)).

Finally, the last added Section 211.0069 states that Sections 211.0061, 211.0063, 211.0065, or 211.0067 do not limit the applicability of a historic preservation rule, deed restriction, or homeowners association rule.

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

Section 5 states that the changes in law made by this act apply only to a proposal to change a municipal zoning regulation or district boundary made on or after the bill's effective date.

Section 6 states that the effective date of this bill is September 1, 2025.

REFERENCES

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Dietz, R. (2023, February 3). Hearing on "The State of Housing 2023." National Association of Home Builders. <https://www.banking.senate.gov/imo/media/doc/Dietz%20Testimony%202-9-23.pdf>

HB 24. Filed. 89th Texas Legislature. Regular. (2025). <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/HB00024I.pdf#navpanes=0>

Texas Comptroller of Public Accounts. (2024, August 27). *Texas Comptroller Glenn Hegar releases study on state's housing affordability challenge*. <https://comptroller.texas.gov/about/media-center/news/20240827-texas-comptroller-glenn-hegar-releases-study-on-states-housing-affordability-challenge-1724699586337>

Texas Local Government Code § 211.006 (1987 & rev. 2023). <https://statutes.capitol.texas.gov/SOTWDocs/LG/htm/LG.211.htm>

ABOUT THE AUTHOR



Judge A. Shepard is a Policy Analyst for the Taxpayer Protection Project with Texas Public Policy Foundation, where he focuses on Private Property Rights.

Judge holds a B.S. in Forensic Chemistry from the University of Mississippi and a J.D. from Mississippi College School of Law. While attending MC Law, he held the position of Senator for the Law Student-Body Association, was selected as a member of the Dean's Ambassadors, and served as an intern at the Reuben V. Anderson Center for Justice.

Although born and raised in West Monroe, Louisiana, Judge's family roots are deeply embedded in Texas. He is the paternal great-grandson of J.W. Shepard of Plano, Texas, and his maternal descendants are of The Old 300. Prior to joining the Foundation, Judge held positions including Residential Appraiser for Travis Central Appraisal District, Associate at Breithaupt, DuBos & Wolleson, LLC, as well as Director of Ground Operations for his family's farm in Morehouse Parish, Louisiana.

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