

1-1 By: Bettencourt, et al. S.B. No. 15
1-2 (In the Senate - Filed March 4, 2025; March 6, 2025, read
1-3 first time and referred to Committee on Local Government;
1-4 March 17, 2025, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 17, 2025, sent to printer.)

1-6 COMMITTEE VOTE

| 1-7 | | Yea | Nay | Absent | PNV |
|------|-------------|-----|-----|--------|-----|
| 1-8 | Bettencourt | X | | | |
| 1-9 | Middleton | X | | | |
| 1-10 | Cook | X | | | |
| 1-11 | Gutierrez | | | X | |
| 1-12 | Nichols | X | | | |
| 1-13 | Paxton | X | | | |
| 1-14 | West | X | | | |

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

1-17 relating to size and density requirements for residential lots in
1-18 certain municipalities; authorizing a fee.

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

1-20 SECTION 1. Chapter 211, Local Government Code, is amended
1-21 by adding Subchapter D to read as follows:

1-22 SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN CERTAIN
1-23 MUNICIPALITIES

1-24 Sec. 211.051. DEFINITIONS. In this subchapter:

1-25 (1) "Housing organization" means a:

1-26 (A) trade or industry group organized under the
1-27 laws of this state consisting of local members primarily engaged in
1-28 the construction or management of housing units;

1-29 (B) nonprofit organization organized under the
1-30 laws of this state that:

1-31 (i) provides or advocates for increased
1-32 access or reduced barriers to housing; and

1-33 (ii) has filed written or oral comments
1-34 with the legislature; or

1-35 (C) nonprofit organization organized under the
1-36 laws of this state that is engaged in public policy research,
1-37 education, and outreach that includes housing policy-related
1-38 issues and advocacy.

1-39 (2) "Small lot" means a residential lot that is 4,000
1-40 square feet or less.

1-41 Sec. 211.052. APPLICABILITY. (a) This subchapter applies
1-42 only to a municipality that:

1-43 (1) has a population of more than 90,000; and

1-44 (2) is wholly or partly located in a county with a
1-45 population of more than 300,000.

1-46 (b) This subchapter does not apply to a one-mile radius from
1-47 the perimeter of a campus that includes a law enforcement training
1-48 center in a county that has a population of 2,600,000 or more but
1-49 less than 2,700,000.

1-50 Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter
1-51 may not be construed to affect requirements directly related to:

1-52 (1) the use and occupancy of residential units leased
1-53 for a term of less than 30 days; or

1-54 (2) flooding, sewer facilities, or well water located
1-55 on an individual residential lot and serving only that lot.

1-56 Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS
1-57 PROHIBITED. (a) This section applies only to a tract of land that:

1-58 (1) will be platted and located in an area zoned for
1-59 single-family homes;

1-60 (2) is five acres or more; and

1-61 (3) has no recorded map or plat.

(b) A municipality may not adopt or enforce an ordinance, rule, or other measure that requires:

- (1) a residential lot to be:
 - (A) larger than 1,400 square feet;
 - (B) wider than 20 feet; or
 - (C) deeper than 60 feet; or
- (2) if regulating the density of dwelling units on a residential lot, a ratio of dwelling units per acre that results in fewer than 31.1 units per acre.

Sec. 211.055. SMALL LOTS. (a) A municipality may not adopt or enforce an ordinance, rule, or other measure that requires a small lot to have:

- (1) a building, waterway, plane, or other setback greater than:
 - (A) five feet from the front or back of the property; or
 - (B) five feet from the side of the property;
- (2) covered parking;
- (3) more than one parking space per unit;
- (4) off-site parking;
- (5) more than 30 percent open space or permeable surface;
- (6) fewer than three full stories not exceeding 10 feet in height measured from the interior floor to ceiling;
- (7) a maximum building bulk;
- (8) a wall articulation requirement; or
- (9) any other zoning restriction that imposes restrictions inconsistent with this subsection, including restrictions through contiguous zoning districts or uses or from the creation of an overlapping zoning district.

(b) A municipality may require with respect to a small lot:

- (1) the sharing of a driveway with another lot; or
- (2) permitting fees equivalent to the permitting fees charged for the development of a lot the use of which is restricted to a single-family residence.

Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. This subchapter does not prohibit a municipality from imposing restrictions that are applicable to all similarly situated lots or subdivisions, including requiring all subdivisions or all small lots to fully mitigate stormwater runoff.

Sec. 211.057. NO EFFECT ON HOMEOWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit property owners from enforcing rules or deed restrictions imposed by a homeowners' association or by other private agreement.

Sec. 211.058. ACTION. (a) A person adversely affected or aggrieved by a municipality's violation of this subchapter or a housing organization may bring an action against the municipality or an officer or employee of the municipality in the officer's or employee's official capacity for relief described by Subsection (c).

(b) A claimant must bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) In an action brought under this section, a court may:

- (1) enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;
- (2) issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter;
- (3) issue an injunction preventing the defendant from violating this subchapter; and
- (4) award damages to the claimant for economic losses caused by the defendant's violation of this subchapter if the claimant is a person affected or aggrieved by the violation that is the basis for the action.

(d) A court shall award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant.

(e) Governmental immunity of a municipality to suit and from liability is waived to the extent of liability created by this

3-1 section. Official immunity of a municipal officer or employee is
3-2 waived to the extent of liability created by this section.

3-3 (f) The Fifteenth Court of Appeals has exclusive
3-4 intermediate appellate jurisdiction over an appeal or original
3-5 proceeding arising from an action brought under this section.

3-6 SECTION 2. This Act takes effect September 1, 2025.

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