

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				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	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:

2-1 Sec. 212.1362. EXPIRATION OF MORATORIUM [~~ON COMMERCIAL~~
2-2 ~~PROPERTY IN CERTAIN CIRCUMSTANCES~~]; EXTENSION. (a) A moratorium
2-3 [~~on commercial property~~] adopted under this subchapter [~~Section~~
2-4 ~~212.1352~~] expires on the 90th day after the date the moratorium is
2-5 adopted unless the governing body of the municipality extends the
2-6 moratorium by:

2-7 (1) holding a public hearing on the proposed extension
2-8 of the moratorium; and

2-9 (2) adopting written findings that:

2-10 (A) identify the problem requiring the need for
2-11 extending the moratorium;

2-12 (B) describe the reasonable progress made to
2-13 alleviate the problem;

2-14 (C) specify a definite duration for the renewal
2-15 period of the moratorium; and

2-16 (D) include a summary of evidence demonstrating
2-17 that the problem will be resolved within the extended duration of
2-18 the moratorium.

2-19 (b) A municipality may not adopt a moratorium [~~on commercial~~
2-20 ~~property~~] under this subchapter:

2-21 (1) [~~Section 212.1352~~] that exceeds an aggregate of
2-22 180 days; or

2-23 (2) [~~. A municipality may not adopt a moratorium on~~
2-24 ~~commercial property under Section 212.1352~~] before the second

2-25 anniversary of the expiration date of a previous moratorium if the
2-26 subsequent moratorium addresses the same harm, affects the same
2-27 type of [~~commercial~~] property, or affects the same geographical
2-28 area identified by the previous moratorium.

2-29 SECTION 3. The following provisions of the Local Government
2-30 Code are repealed:

2-31 (1) Sections 212.134(d) and (e); and

2-32 (2) Section 212.136.

2-33 SECTION 4. This Act takes effect September 1, 2025.

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