



## **Brief Overview: House Bill 2989 and Senate Bill 1120**

1. HB2989/SB1120 would limit property owner notice and protest rights to the rezoning of individual or contiguous properties in limited areas.
2. HB2989/SB1120 would create a massive loophole allowing a municipality to deny every residential and commercial property owner in the city their rights of notice and protest if the city rezones all of the properties at once.
3. The purpose of HB2989/SB1120 is to legalize the City of Austin's illegal conduct in denying property owners their rights to notice and protest under the Local Government Code. In *Acuna v. City of Austin*, a Travis County District Court held the City violated state law when it acted to rezone property across the city while denying notice and protest rights to property owners.
4. The City wants to effectively end single-family neighborhoods and change the regulations governing commercial properties — actions the public adamantly opposes. The Council's revision, if permitted, will destabilize neighborhoods, lead to the displacement of families and result in higher property taxes for residential and commercial properties.
5. A comprehensive revision of a land development code, or amendments to regulations that apply uniformly to multiple zoning districts or areas, have far-reaching and irreversible impacts on the most important investments most people will ever make – their home and their business. Eliminating the right to notice and protest allows a simple majority of a city council to make decisions that will reverberate for generations.
6. Allowing an “amendment of a regulation that applies uniformly across boundaries or areas of the municipality” without the right to protest would permit a city council, by a simple majority vote, to redefine single-family zoning as multi-family zoning. Additionally, it would enable a city council to limit or expand the size and permitted uses of commercial properties across the board. Protest rights, requiring a super-majority vote, protect against extreme changes in land-use regulations that don't have broad support.
7. The Legislature designed notice and protest rights to check the abuse of zoning power by municipalities. The proposed legislation will remove those safeguards. The City of Austin has shown us what happens when a city council's simple-majority feels unconstrained without any need to compromise and work toward a broader community consensus.

8. Protest rights are essential with a single-member district form of government where a simple majority of council members can target one part of town for dramatic changes (while protecting others), knowing that they are not accountable at the ballot box to the residential and commercial property owners in those areas. Protest rights reduce the opportunity for that.