



NEIGHBORHOOD LEGISLATIVE ALERT

The Texas Legislature has bills in this session that can greatly impact life in neighborhood communities.

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Bill: SB 491 **Legislative Session:** 88(R) **Council Document:** 88R 5531 MP-F

History will be shown on linked page – to read the bill go to text tab

Bill: SB 491	Legislative Session: 88(R)	Author: Hughes	Add to Bill List Add to A		
Version	Bill	Fiscal Note	Analysis	Witness List	Summary of Cmte Action
Introduced	  	 	  		
Senate Committee Report	  	 	  		

Here you can see the introduced bill (first) and the bill as it has been changed and other information

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Legislature:

Bill Lists

Bill List Name	Description	
<input type="text"/>	<input type="text"/>	<input type="button" value="Create"/>

SB 1787 Bettencourt

HB 3921 Goldman

Applies to counties with over
300,000 [see map](#)

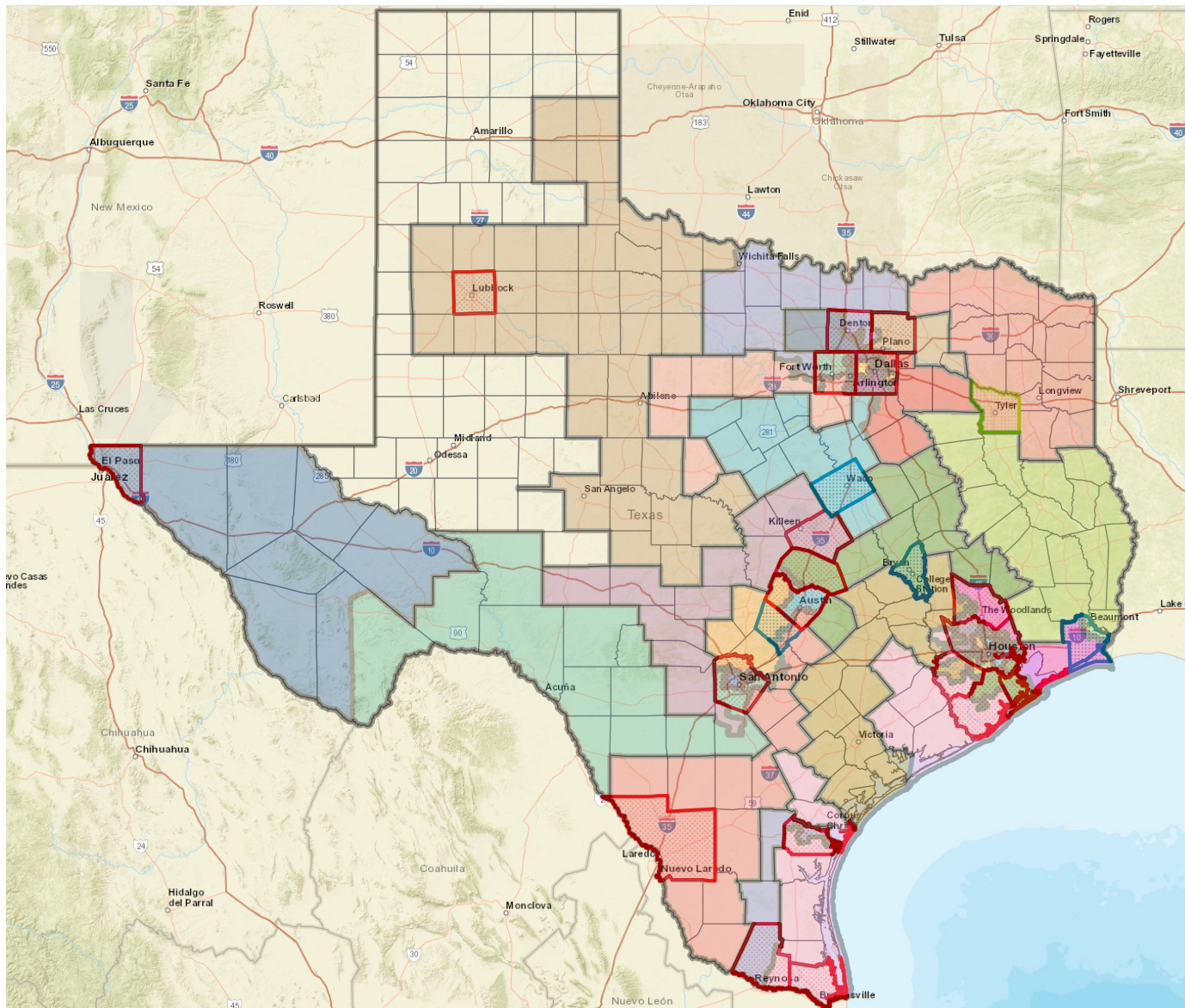


Municipality cannot require:

- Lot to be over 1,400 square feet, wider than 20 feet or deeper than 60 feet
- Density of dwelling cannot be less than 31.1 unit
- Front setback of greater than 10 feet
- More than 30% permeable cover
- Fewer than 3 full stories

Committee mentioned a substitute, but it is not posted.

You can read public comments on this bill [here](#)



Cities with counties in red are subject to the small lot bill. The counties in blue are approaching the population to trigger. This impacts 71% of the population in Texas.

What SB 1787 means to neighborhoods.

Any residential lot in Austin can be subdivided into lots that can only by required to be 20 feet wide, 60 feet deep and 1400 square feet. The lots must allow 31 units per acre and 3 full stories. The setback from the street is only required to be 10 feet and the impervious cover can be 70%. Many cities have been testifying at the legislature.

One Texas city wrote about these concerns:

A twenty foot wide lot with 5 foot setback yields a 10 foot wide house, suitable for a “tiny home” but not family housing.

Police, fire and other city services are located and constructed base on existing distribution of housing, changing this can negatively impact a city’s ability to ensure basic needs are met.

Storm water systems are engineered for a certain land use densities and lot coverages. Ignoring this disregards the design and risks flooding of homes.



S.B. 491 Hughes

HB 2198 Hefner

For cities with a population of more than 725,000 (this includes Dallas, Fort Worth, Austin, San Antonio and Houston)

- A municipality may not adopt or enforce an ordinance, regulation, or other measure that limits the height of a building based on the building's proximity to a lot that is located more than 50 feet from the building.

Reduces Compatibility to 50', no matter how tall the building

[Read the public comments on this bill](#)

[Read The Austin Chronicle about this bill](#)

S.B. 491 Hughes

HB 2198 Hefner

1-7

COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Bettencourt	X		
1-10	Springer	X		
1-11	Eckhardt	X		
1-12	Gutierrez		X	
1-13	Hall	X		
1-14	Nichols	X		
1-15	Parker	X		
1-16	Paxton	X		
1-17	West		X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 491

By: Springer

Valid Petition against rezoning to force a super-majority vote upped from 20% to 50%

This will make it very difficult to have a valid petition for a zoning change.

[Read the public comments on this bill.](#)

HB 4637 HB 1514

H.B. 2665 Gates

A municipality or county may not adopt or enforce a local law that

- prevents the use of a property as a short term rental
- or regulates the duration or frequency or number of occupants



THERE WAS AN ATTEMPT TO ATTACHED THIS TO A PREEMPTION BILL HB 2127, BY REPRESENTATIVE CLARDY, BUT IT WAS UNSUCCESSFUL. THERE MAY BE ANOTHER ATTEMPT TO ATTACH IT.



THE COMMITTEE DISCUSSED A STUDY OF THIS ISSUE RATHER THAN MOVING THE BILL.



[READ THE HOUSE PUBLIC COMMENT ON THIS BILL.](#)

[Read Texas Monthly about STRs and lege bills](#)

SB 1412
Hughes
HB 2789
Holland

A political subdivision may not adopt or enforce an order, ordinance, or other measure that:

- prohibits an owner of a lot described by Section 247.001(1) from building an accessory dwelling unit before, after, or concurrently with the building of the primary dwelling unit on the lot;
- prevents an owner of a lot zoned for a single-family home or duplex from converting an existing structure to an accessory dwelling unit by requiring setbacks larger than the current structure's setbacks;

SB 1412
Hughes
HB 2789
Holland

A political subdivision may not adopt or enforce an order, ordinance, or other measure that:

- applies the political subdivision's local growth restrictions or density or bulk limitations to an accessory dwelling unit;
- provides a limitation on the square footage of an accessory dwelling unit that is less than:
 - (A) 50 percent of the square footage of the primary dwelling unit; or
 - (B) 800 square feet; (10)
- regulates the design of an accessory dwelling unit, including the shape, size, massing, or distribution of square footage between floors; many dwelling unit owner;
- prohibits the construction of accessory dwelling units consistent with this chapter under otherwise applicable open space or permeable surface restrictions;



HB 1526

This bill makes it much more difficult for a city (a city of at least 800,000) to get parkland from large developments, and prohibits municipalities from imposing a parkland dedication or a fee for any commercial use other than multifamily, hotel, or motel uses.

A municipality shall respond in writing to a request made under Subsection (a) not later than the 30th day after the date the municipality receives a completed request. If the municipality fails to respond in accordance with this subsection, the municipality may not require a parkland dedication as a condition of approval of a proposed plan or application for property that is the subject of the request.



HB 1526

[Read the HRO analysis](#), which says that supporters say that “HB 1526 would help address the need for additional housing in 'Texas' rapidly growing cities by limiting the amount of a site plan that must be donated to park space, which can inhibit housing development...Setting a cap on the percentage of land which a developer must donate could make more land available to help address the state’s housing shortage.


[Read the public comments to the house.](#)

An aerial photograph of a suburban neighborhood featuring numerous brick houses with gabled roofs. A playground with a swing set is visible in the lower-left corner. The right side of the image is partially obscured by a dark blue, textured overlay.

Governing body must review land use regulations and shall repeal or amend a regulation that interferes with the production of new housing or development related to existing housing

[Read the public house comments on this bill.](#)

HB 3135 Stucky



A political
subdivision may not
adopt or enforce an
ordinance that
Prohibits or limits the
use of a property as a
residential amenity
rental

HB 2367 Lozano

[Read the public
comments on this
house bill.](#)

What can you do to protest these bills?

Write or call your local senator

Sen. Sarah Eckhardt – [512-463-0114](tel:5124630114) sarah.eckhardt@senate.texas.gov

Call or email your local House representatives and let them know about your opposition to these bills.

Rep. Sheryl Cole - [512\) 463-0506](tel:5124630506) sheryl.cole@house.texas.gov

3

Rep. Lulu Flores - [512\) 463-0674](tel:5124630674) lulu.flores@house.texas.gov

Rep. Vicki Goodwin - [512\) 463-0652](tel:5124630652) vikki.goodwin@house.texas.gov

Rep. Gina Hinojosa - [512\) 463-0668](tel:5124630668) gina.hinojosa@house.texas.gov

Rep. Donna Howard - [512\) 463-0631](tel:5124630631) donna.howard@house.texas.gov

Rep. John Bucy - [512\) 463-0696](tel:5124630696) john.bucy@house.texas.gov

Rep. Ellen Troxclair - [512\) 463-0490](tel:5124630490) ellen.troxclair@house.texas.gov

Rep. James Talarico = [512\) 463-0821](tel:5124630821) james.talarico@house.texas.gov

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Contact members of the House Calendar Committee and ask them not to put the bills on the Calendar

Rep. Dustin Burrows [512-463-0542](tel:512-463-0542) Dustin.Burrows@house.texas.gov

Rep. David Cook [512-463-0374](tel:512-463-0374) david.cook@house.texas.gov

Rep. Charlie Geren [512-463-0610](tel:512-463-0610) Charlie.Geren@house.texas.gov

Rep. Cole Hefner [512-463-0271](tel:512-463-0271) cole.hefner@house.texas.gov

Rep. Ana Hernandez [512-463-0614](tel:512-463-0614) ana.hernandez@house.texas.gov

Rep. Ann Johnson [512-463-0389](tel:512-463-0389) ann.johnson@house.texas.gov

Rep. Jared Patterson [512-463-0694](tel:512-463-0694) jared.patterson@house.texas.gov

Rep. Toni Rose [512-463-0664](tel:512-463-0664) Toni.Rose@house.texas.gov

Rep. Shelby Slawson [512-463-0628](tel:512-463-0628) shelby.slawson@house.texas.gov

Rep. James Talarico [512-463-0821](tel:512-463-0821) james.talarico@house.texas.gov

Rep. Ed Thompson [512-463-0707](tel:512-463-0707) Ed.Thompson@house.texas.gov

Read the Austin
Independent about these
bills

Austin Progressives on Council and Republicans in Legislature Reach Common Ground on Development Issues

by Daryl Slusher | Apr 4, 2023 | City Council 2023, Land Development Code/Zoning, Texas

Legislature