



# Lei of the Land: Legislative Updates for Planning

Presented by:

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# 89<sup>th</sup> Legislative Session

Began November 2024

Ended June 2, 2025

It is estimated that 385 planning related Bills were submitted

- 39 - Annexation/ETJ
- 09 – Development Character (Platting, Zoning, Permitting)
- 10 – Economic Development
- 73 – Environment
- 95 – Housing
- 57 – Transportation

52 of those bills passed

During the Regular Session, Senators and representatives filed 8,719 bills and 2,765 resolutions

In 2023, the legislature filled 8,046 bills

# H.B. 24

## Changes to Notice and Protest Requirements

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Does not require  
mailed notice  
for a  
“comprehensive  
zoning change”:

- Allows more residential development than previous regulation AND applies uniformly within one or more zoning districts;
- Adopting a new zoning code or zoning map that applies to the entire municipality; OR
- Adopt an overlay district that will (1) allow more residential development than without the overlay and (2) includes an area along a major roadway, highway, or transit corridor

# H.B. 24 (cont.)

## Changes to Notice and Protest Requirements

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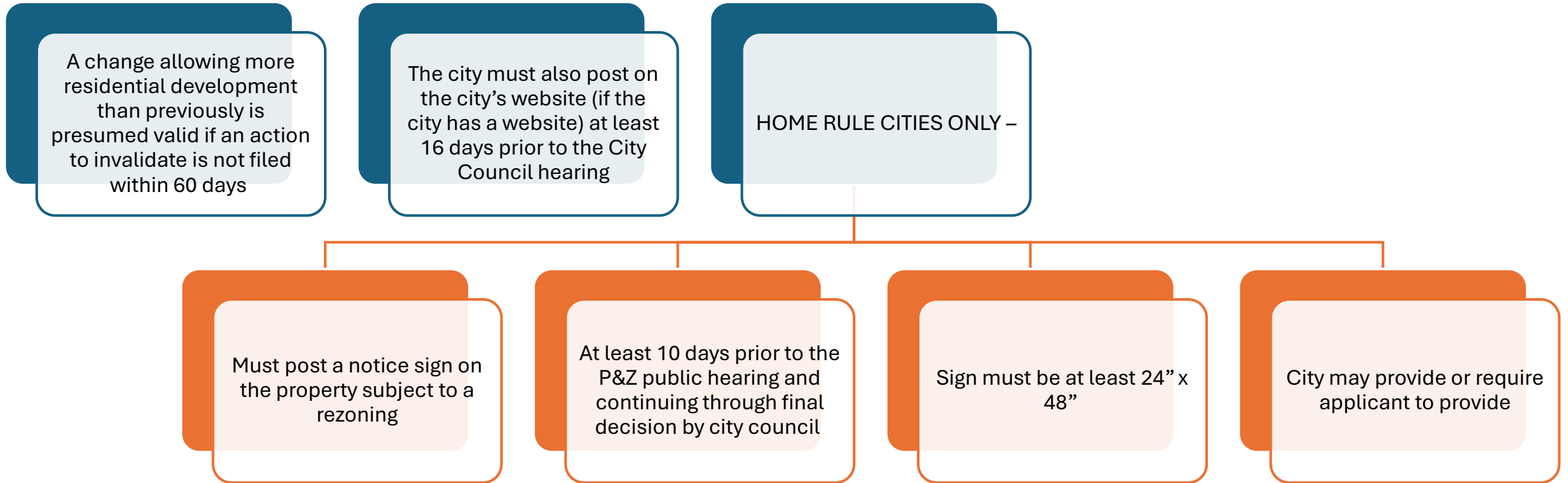
### Changes to protest requirements (if not a “comprehensive zoning change”)

- Requires  $\frac{3}{4}$  majority vote by all members of the city council if protested by
  - At least 20% of the area of land subject to the zoning change
  - At least 20% of the area within 200 feet EXCEPT FOR
- Requires a majority of all members of the city council if protested by at least 60% of the area of land within 200 feet AND the proposed change would allow more residential development than current regulation AND does not allow more commercial or industrial uses unless limited to the first floor and not exceeding 35% of the overall development



# H.B. 24 (cont.)

## Changes to Notice and Protest Requirements



**Effective Date: September 1, 2025**

## H.B. 2844

### Updates to Regulations on Small Scale Food Businesses and Mobile Food Vendors

- HB 2844 applies to small-scale food businesses and mobile food vendors
- Adds §437.0063 which provides for an exemption for Small-Scale Food Businesses
  - Farmer/producer-owned, <\$1.5M revenue
  - Exempt from city/county permit if holding a state license or food manufacturer license
- Establishes Chapter 437 B – Mobile Food Vendors



## H.B. 2844 (cont.)

# Updates to Regulations on Small Scale Food Businesses and Mobile Food Vendors

## Mobile Food Vendor State Restrictions:


License caps  
or restricted  
operating  
hours

Propane  
limits below  
commercial  
vehicle  
standards

GPS trackers  
or  
commissary  
kitchens (if  
fully  
equipped)

Extra  
inspections if  
recent ones  
already  
passed

Handwashing  
sinks for  
prepackaged-  
only vendors



H.B. 2844 (cont.)  
Updates to Regulations on Small Scale Food  
Businesses and Mobile Food Vendors

- **Additional Requirements**

- Vendors licensed by state only (no county or city approval needed)
- Cities restricted from prohibiting compliant vendors
- The Health and Human Services (HHS) to maintain statewide vendor database
- The HHS is required to adopt these rules by **May 1<sup>st</sup>, 2026**

**Effective Date: September 1, 2025\***

# H.B. 2464

## Limits on How Cities can Regulate “Home Based Business”

### Defines “home-based business”

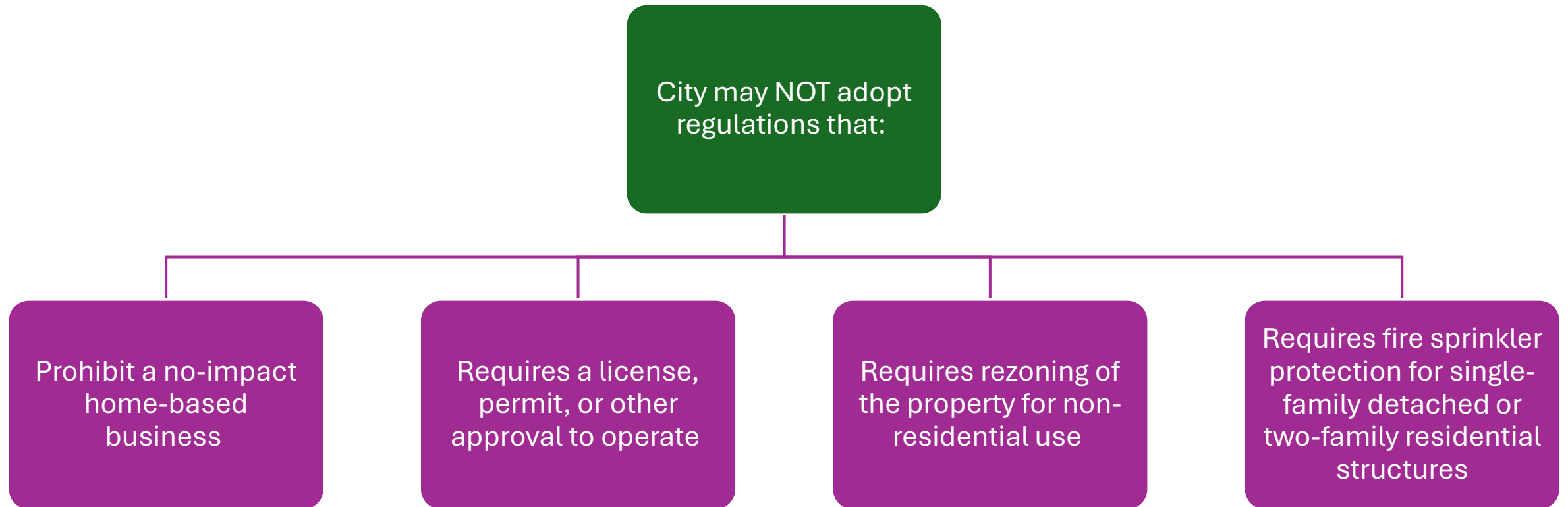
- Operated from a residential property, by the owner or tenant, and for the purpose of manufacturing, providing, or selling a lawful good, or providing a lawful service

### Defines “no-impact home-based business”

- Total number of employees that does not exceed the municipal occupancy limit for the property
- Does not generate on-street parking or substantial increase in traffic
- No activities visible from a street
- Does not substantially increase noise or violate municipal noise ordinance

## H.B. 2464 (cont.)

# Limits on How Cities can Regulate “Home Based Business”



# H.B. 2464 (cont.)

## Limits on How Cities can Regulate “Home Based Business”

### City MAY adopt regulations that:

- Require compliance with fire and building codes, health and sanitation regulations, transportation or traffic control, solid or hazardous waste regulations, pollution and noise control regulations
- Require that the home-based business be compatible with the residential use of the property and secondary to the use as a residential dwelling
- Limit or prohibit the sale of alcohol or illegal drugs, use as a structured sober living home, or use as a sexually oriented business

### Does not prohibit:

- Enforcement of deed restrictions, HOA rules, or other private agreements
- Regulation as a short-term rental



**Effective Date: June 12, 2025**

# H.B. 4506

## Electronic Notices for Certain Zoning Changes

H.B. 4506 updates electronic notice requirements for:

- Any zoning classification or zoning regulation that creates a nonconforming use
- Zoning classification changes

Allows for these notices to be delivered electronically, including notices to School districts

They can only send notices electronically if citizens opt in and agree


If a city chooses to send electronic notifications, they are required to create an online portal that allows residents to opt in and manage delivery preferences

**Effective Date: June 20, 2025**



# H.B. 1522

## Changes to Required Open Meetings Notice



Meeting notice must be posted three business days prior to meeting (was 72 hours)

If the meeting will discuss or adopt a budget,

- must either provide a physical copy of the budget or be “clearly accessible on the home page” of the city’s website
- must provide a taxpayer impact statement comparing impact on the median-valued homestead property from current year to proposed year budget

**Effective Date: September 1, 2025**



# S.B. 785

## Changes to Regulations on New Manufactured Housing

Cities cannot require a special use permit (SUP) for new HUD-code homes if:

- They comply with federal and state law
- The city does not require an SUP for other housing in the same zoning classification

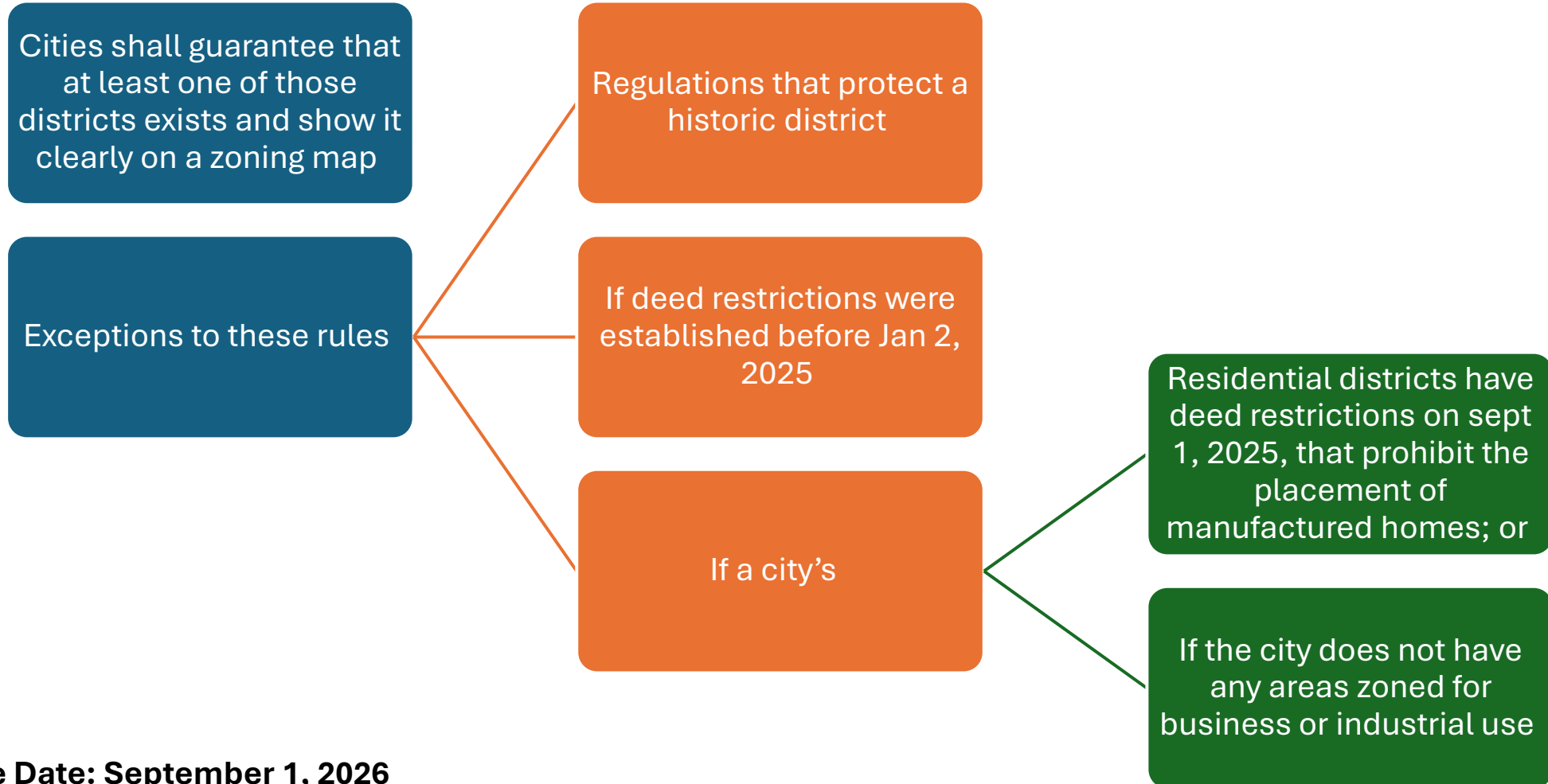
Essentially manufactured homes must be treated the same as other housing in the same zoning classification

Cities shall allow by right the installation of a “new” manufactured home in a least one of the following:

- Residential Zoning Classification
- Type of residential district
- Manufactured Home zoning classification

# S.B. 785 (cont.)

## Changes to Regulations on New Manufactured Housing



**Effective Date: September 1, 2026**

## S.B. 1062

### Allows Notices in a Digital Newspaper

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- This new law only applies to certain sized cities that border the RED River OR cities in a County that does NOT have an eligible newspaper.
- Allows published notices in a digital newspaper that meets the following requirements:
  - Has an audited paid-subscriber base
  - Has been in business for at least three years
  - Employs staff in the jurisdiction of the city
  - Reports on local events and govt. activities in the jurisdiction
  - Provides news of general interest to people in the jurisdiction
  - Updates at least once each week

**Effective Date: May 19, 2025**



## H.B. 3234

# Population Threshold Change for County Building Regulations

- Expands which counties can self-regulate construction/renovation of county-owned buildings.
- What changed?
  - **Before:** Only “large” counties (3.3M +) could bypass city building permits if licensed engineers/architects were used and standards met
  - **Now:** Threshold lowered to 1 million residents → now includes Bexar and Travis County
- Williamson, Hays, Guadalupe, Comal, and Bastrop Counties have populations below 1 million and do not qualify under this section, meaning cities can still require building permits for county-owned structures

**Effective Date: September 1, 2025**

# S.B. 1883

## Changes to Impact Fees



Impact fee **land use assumptions** or proposed amendments to **land use assumptions, capital improvements plan, or impact fees** must be available at least 60 days prior to first publication of notice (previously required at or before first publication of notice)



Approval of an impact fee requires two-thirds majority vote of City Council



Impact fees can only be increased every 3 years (fees can be phased in)



Public hearing must be held within 120 days of receiving land use assumptions and capital improvements plan (was 60 days)

## S.B. 1883 (cont.)

### Relating to the Approval of Land Use Assumptions, Capital Improvement Plans, and Impact Fees



At least 50 percent of impact fee advisory committee must be representatives of the real estate, development, or building industries (was 40 percent)



P&Z can no longer serve as the impact fee advisory committee



If existing impact fees, new or increased fees may not be adopted until an independent financial audit is conducted (including detailed requirements for the audit, notice, and publication of the results)



The attorney general may bring an action on behalf of a property owner to contest an impact fee

**Effective Date: September 1, 2025**



# S.B. 2965

## Changes to Removing ESD Jurisdiction from Annexed Areas

Addresses how properties in an Emergency Services District (ESD) can be removed when annexed by a municipality.

### Requirements to remove a property from an ESD district:

- The municipality is capable of being the sole provider of emergency services
- The municipality has completed all required annexation procedures
- Send certified notice to the secretary of the ESD board no later than 30 days after completing the necessary procedures

The ESD board must adopt a resolution approving the disannexation after determining that the municipal services will meet or exceed the ESD's current level of service.

Allows cities to disagree with the board's decision and request arbitration

If the board does not make a determination within 30 days, the disannexation is automatically approved

**Effective Date: September 1, 2025**

Annexation of  
Property into City  
Limits

Notice to ESD  
Board

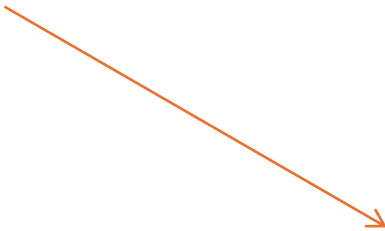
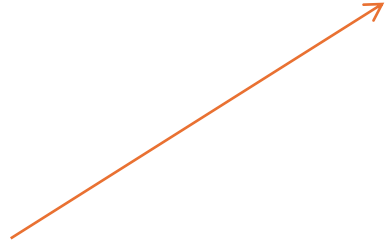
- No later than 30 days

ESD Board  
Approves by  
Resolution

ESD Board Denies  
by Resolution

ESD Board takes  
no action

- Automatically  
approved



# H.B. 2512

## Release of an Area from ETJ by Petition or Election

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A requestor must reside in the area being requested for release

Requires notice to affected residents and landowners within 7 business days of receipt of the petition

Must provide landowner subject to the petition opportunity to opt out

Adds exceptions for a municipality located in 4 or more counties one of which has a population of 2.1 million or more, adjacent to a county with a population of 2.6 million or more (Fort Worth)

- Areas subject to an active development agreement
- A lot or unplatted tract of less than 12 acres unless included with other land
- A single lot within a platted subdivision of 25 or more lots



**Effective Date: September 1, 2025**



# S.B. 1844

## Updates on City Service Obligations and Disannexation

### Petition Process:

- Majority of property owners (previously qualified voters) in an area to petition for disannexation
- Applies if city fails to provide services outlined in the service agreement
- Petition may include portions of property within the area

### Disannexation allowed if:

- City has failed to connect an entire development to services agreed to
- And/or has only serviced a portion of the development

### Financial Impacts:

- Landowners in disannexed areas are not eligible for refunds of taxes or fees under certain conditions

**Effective Date: September 1, 2025**

# Bracketed Bills

A few bills were “bracketed” to only large cities



While these bills do not affect most cities in the state, they have the potential to be expanded to apply to more cities in future years

# S.B. 15

## Size and Density Requirements for Residential Lots

May not require a residential lot to be greater than 3,000 sf, wider than 30' or deeper than 75'

Only applies to LARGE CITIES (population over 150,000 in a county over 300,000)

Applies to tracts of land platted for SF homes, five acres or more, and not already platted

Does not apply near law enforcement training centers or military base (details in bill)

Is not intended to affect regulation of short-term rentals

# S.B. 15 (cont.)

## Size and Density Requirements for Residential Lots

### May not require:

- setbacks greater than: 15' front, 10' rear, or 5' side
- covered parking, more than one space per unit, or off-site parking
- more than 30% open space or permeable surface
- fewer than 3 stories in height
- bulk or articulation requirements

May require certain environmental setbacks and compliance with other rules

No effect on HOA rules or deed restrictions

May sue the city, officer, or employee for violation

**Effective Date: September 1, 2025**

# S.B. 840

## Changes to Rules for Converting Commercial Buildings to Housing

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Applies to large cities  
with populations > 150k  
in counties > 300k

### Impacts:

- Must allow mixed-use & multifamily in zones permitting
- office, commercial, retail, warehouse, or mixed-use

No rezoning, variances,  
or special permits can  
be required

### Exemptions:

- Heavy industrial zones or within 1,000 feet of a heavy industrial site.
- Properties within 3,000 feet of an airport, military base, or area designated as a clear zone or accident potential zone

## S.B. 840 (cont.)

# Changes to Rules for Converting Commercial Buildings to Housing



**Effective Date: September 1, 2025**

### Standards

- Density: 36 units per acre or the highest residential density allowed within the city, whichever is greater
- Cannot impose
  - setbacks over 25 ft
  - heights less than 45 feet (or the height allowed for commercial if greater)
  - additional parking requirements
  - floor-to-lot ratio limits
- Mandates for nonresidential uses outside mixed-use zones

### Cities cannot require

- traffic studies
- utility upgrades
- impact fees

# S.B. 1567

## Limiting Regulation of the Occupancy of Dwelling Units

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**Applies to a home-rule municipality with a population of less than 250,000 with, or adjacent to, an “institution of higher education” with over 20,000 students (introduced to apply to all home-rule cities)**

### **A City may NOT:**

- limit the occupancy of a dwelling unit based on age, familial status, occupation, relationship status, or occupants' relationship to each other
- require review of leases to determine the number of unrelated occupants

# S.B. 1567 (cont.)

## Limiting Regulation of the Occupancy of Dwelling Units

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### A City MAY:

- limit occupancy that is not more restrictive than one occupant per sleeping room of 70 sf and one additional occupant per additional 50 sf in the same room (2-4 people per average bedroom)
- adopt occupancy limits based on building code, fire code, or local, state, or federal affordable housing program guidelines

Does not affect HOA rules or deed restrictions

May sue the city, officer, or employee for violation

**Effective Date: September 1, 2025**

# Failed Bills to Consider

- The following are bills that did NOT pass, but could be reintroduced in future sessions
  - H.B. 2149 – Must allow nonconforming uses to continue, even if damaged or destroyed, except by agreement with the owner including compensation
  - H.B. 23/S.B. 1450 – Allows for third party review, with no waiting period, including plans, permits, and inspections
  - S.B. 854 – Cities must allow multifamily development on religious-owned land without rezoning, special use permit, comprehensive plan amendment, or other such approval
  - S.B. 673 – Cities must allow Accessory Dwelling Units (ADUs) with certain restrictions
  - H.B. 3299 – Would allow cities to regulate building materials for commercial buildings

# Questions?

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Do they allow  
loud laughing in  
Hawaii?  
or just a low ha?