

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5 31 25

Date

Honorable Dan Patrick
President of the Senate

Honorable Dustin Burrows
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 15 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Paul Buttenaupt

Sen. Buttenaupt

Brandon Creighton

Sen. Creighton

Mary Middleton

Sen. Middleton

Angela S. Paxton

Sen. Paxton

Roger West

On the part of the Senate

Sen. West

Rep. Burrows

Rep. Burrows

Rep. Burrows

Rep. Burrows

Jillany Stickland

Rep. Stickland

Rep. Burrows

Rep. Burrows

Rep. Burrows

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 15

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN CERTAIN
MUNICIPALITIES

Sec. 211.051. DEFINITIONS. In this subchapter:

(1) "Housing organization" means a:

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

(B) nonprofit organization organized under the laws of this state that:

(i) provides or advocates for increased access or reduced barriers to housing; and

(ii) has filed written or oral comments with the legislature; or

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

(2) "Small lot" means a residential lot that is 4,000

1 square feet or less.

2 Sec. 211.052. APPLICABILITY. (a) This subchapter applies
3 only to:

4 (1) a municipality that:

5 (A) has a population of more than 150,000; and

6 (B) is wholly or partly located in a county with a
7 population of more than 300,000; and

8 (2) a tract of land located in a municipality
9 described by Subdivision (1) that:

10 (A) will be platted and located in an area zoned
11 for single-family homes;

12 (B) is five acres or more; and

13 (C) has no recorded plat.

14 (b) This subchapter does not apply to an area located
15 within:

16 (1) one mile of a campus of the perimeter of a law
17 enforcement training center in a county that has a population of
18 2,600,000 or more;

19 (2) 3,000 feet of an airport or military base; or

20 (3) 15,000 feet of the boundary of a military base if
21 the area is designated by a municipality or joint airport zoning
22 board, as applicable, as a military airport overlay zone with a
23 clear zone and accident potential zone designation, as described by
24 the military base's air installation compatible use zone report.

25 Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter
26 may not be construed to affect requirements directly related to:

27 (1) the use and occupancy of residential units leased

1 for a term of less than 30 days; or

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

4 Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS
5 PROHIBITED. A municipality may not adopt or enforce an ordinance,
6 rule, or other measure that requires:

7 (1) a residential lot to be:

8 (A) larger than 3,000 square feet;

9 (B) wider than 30 feet; or

10 (C) deeper than 75 feet; or

11 (2) if regulating the density of dwelling units in a
12 residential development, a ratio of dwelling units per acre that
13 prevents a single-family home from being built on a residential lot
14 that is at least 3,000 square feet.

15 Sec. 211.055. SMALL LOTS. (a) Except as provided by this
16 section, a municipality may not adopt or enforce an ordinance,
17 rule, or other measure that requires a small lot to have:

18 (1) a building plane or other setback greater than:

19 (A) 15 feet from the front or 10 feet from the
20 back of the property; or

21 (B) five feet from the side of the property;

22 (2) covered parking;

23 (3) more than one parking space per unit;

24 (4) off-site parking;

25 (5) more than 30 percent open space or permeable
26 surface;

27 (6) fewer than three full stories not exceeding 10

1 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.

(a-1) Notwithstanding Subsection (a)(1), a municipality may require with respect to a small lot a setback related to environmental features, erosion, or waterways, to the extent authorized by federal or other state law.

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

(1) the sharing of a driveway with another lot;

(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; or

(3) impact fees, to the extent authorized by Chapter 395.

(c) Notwithstanding Subsection (a)(5), a municipality may adopt or enforce an ordinance, rule, or other measure with respect to a small lot that:

(1) applies to land located in an aquifer recharge zone; and

(2) relates to the protection of an aquifer.

Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. Except as expressly provided by this subchapter, this subchapter does not prohibit a municipality from imposing restrictions that are

1 applicable to all similarly situated lots or subdivisions,
2 including requiring all subdivisions or all small lots to fully
3 mitigate stormwater runoff.

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

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

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

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

18 (1) enter a declaratory judgment under Chapter 37,
19 Civil Practice and Remedies Code;

20 (2) issue a writ of mandamus compelling a defendant
21 officer or employee to comply with this subchapter; and

22 (3) issue an injunction preventing the defendant from
23 violating this subchapter.

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

27 (e) A claimant in an action brought under this section may

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1 elect in the claimant's petition to designate the Fifteenth Court
2 of Appeals as the exclusive intermediate appellate court over an
3 appeal or original proceeding arising from the action.

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

Senate Bill 15
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

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

SUBCHAPTER D. RESIDENTIAL ZONING
LIMITATIONS IN CERTAIN MUNICIPALITIES

Sec. 211.051. DEFINITIONS.

Sec. 211.052. APPLICABILITY.

(a) This subchapter applies only to a municipality that:

(1) has a population of more than 150,000; and

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

No equivalent provision.

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

HOUSE VERSION (IE)

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

SUBCHAPTER D. Same as Senate version.

Sec. 211.051. Same as Senate version.

Sec. 211.052. APPLICABILITY.

(a) This subchapter applies only to:

(1) a municipality that:

(A) has a population of more than 150,000; and

(B) is wholly or partly located in a county with a population of more than 300,000; and

(2) a tract of land located in a municipality described by Subdivision (1) that:

(A) will be platted and located in an area zoned for single-family homes *under Section 211.0555*; [FA2(1)]

(B) is five acres or more; and

(C) has no recorded plat. [FA1(1)]

(b) This subchapter does not apply to *an area located within:*

(1) *one mile of a campus of the perimeter of a law enforcement training center* in a county that has a population of 2,600,000 or more;

(2) *3,000 feet of an airport or military base; or*

(3) *15,000 feet of the boundary of a military base if the area is designated by a municipality or joint airport zoning*

CONFERENCE

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

SUBCHAPTER D. Same as Senate version.

Sec. 211.051. Same as Senate version.

Sec. 211.052. APPLICABILITY.

(a)(1)(A)-(B). Same as House version.

(2) a tract of land located in a municipality described by Subdivision (1) that:

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

(B) is five acres or more; and

(C) has no recorded plat.

(b) Same as House version.

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Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

board, as applicable, as a military airport overlay zone with a clear zone and accident potential zone designation, as described by the military base's air installation compatible use zone report.

Sec. 211.053. CONSTRUCTION OF SUBCHAPTER.

Sec. 211.053. Same as Senate version.

Sec. 211.053. Same as Senate version.

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

Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS PROHIBITED.

Sec. 211.054. Same as House version.

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

(2) is five acres or more; and

(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.*

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

(1) a residential lot to be:

(A) larger than *3,000 square feet*; [FA1(2)]

(B) wider than *30 feet*; or [FA1(3)]

(C) deeper than *75 feet*; or [FA1(4)]

(2) if regulating the density of dwelling units *in* a residential development, a ratio of dwelling units per acre that *prevents a single-family home from being built on a residential lot that is at least 3,000 square feet.* [FA1(5)]

Sec. 211.055. SMALL LOTS.

(a) Except as provided by *Subsection (c)*, 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

Sec. 211.055. SMALL LOTS.

(a) Except as provided by *this section*, a municipality may not adopt or enforce an ordinance, rule, or other measure that requires a small lot to have: [FA1(6)]

(1) a building plane or other setback greater than: [FA1(7)]

Sec. 211.055. SMALL LOTS.

(a) Same as House version.

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SENATE VERSION

(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.

No equivalent provision.

(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.

HOUSE VERSION (IE)

(A) *15 feet* from the front or *10 feet from the* back of the property; or [FA1(8)]
(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.

(a-1) Notwithstanding Subsection (a)(1), a municipality may require with respect to a small lot a setback related to environmental features, erosion, or waterways, to the extent authorized by federal or other state law. [FA1(9)]

(b) A municipality may require with respect to a small lot:
(1) the sharing of a driveway with another lot; [FA1(10)]
(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; or
(3) *impact fees, to the extent authorized by Chapter 395.*
[FA1(11)]

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(a-1) Same as House version.

(b) Same as House version.

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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<p><u>(c) Notwithstanding Subsection (a)(5), a municipality may adopt or enforce an ordinance, rule, or other measure that:</u></p> <p><u>(1) applies to land located in an aquifer recharge zone; and</u> <u>(2) relates to the protection of an aquifer.</u></p> <p><i>No equivalent provision.</i></p>	<p><u>(c) Notwithstanding Subsection (a)(5), a municipality may adopt or enforce an ordinance, rule, or other measure with respect to a small lot that:</u></p> <p><u>(1) applies to land located in an aquifer recharge zone; and</u> <u>(2) relates to the protection of an aquifer.</u></p> <p><u>Sec. 211.0555. PROHIBITIONS LIMITED TO NEW ZONING CLASSIFICATION. (a) A municipality shall adopt a new zoning classification for single-family homes for purposes of this subchapter.</u> <u>(b) The prohibitions imposed on a municipality with respect to lot sizes, the density of dwelling units, and small lots under this subchapter apply only to the zoning classification adopted under Subsection (a).</u> [FA2(2)]</p>	<p>(c) Same as House version.</p> <p>Same as Senate version.</p>
<p><u>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.</u></p>	<p><u>Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. Except as expressly provided by this subchapter, 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.</u> [FA1(12)]</p>	<p>Sec. 211.056. Same as House version.</p>
<p><u>Sec. 211.057. NO EFFECT ON HOMEOWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS.</u></p>	<p>Sec. 211.057. Same as Senate version.</p>	<p>Sec. 211.057. Same as Senate version.</p>
<p><u>Sec. 211.058. ACTION.</u> (a)-(b)</p>	<p><u>Sec. 211.058. ACTION.</u> (a)-(b) Same as Senate version.</p>	<p><u>Sec. 211.058. ACTION.</u> (a)-(b) Same as Senate version.</p>

Senate Bill 15
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SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
<p>(c) <u>In an action brought under this section, a court may:</u></p> <p>(1) <u>enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;</u></p> <p>(2) <u>issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter;</u></p> <p>(3) <u>issue an injunction preventing the defendant from violating this subchapter; and</u></p> <p>(4) <u><i>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.</i></u></p>	<p>(c) <u>In an action brought under this section, a court may:</u></p> <p>(1) <u>enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;</u></p> <p>(2) <u>issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter; and</u></p> <p>(3) <u>issue an injunction preventing the defendant from violating this subchapter.</u></p>	<p>(c) Same as House version.</p>
<p>(d)</p>	<p>(d) Same as Senate version.</p>	<p>(d) Same as Senate version.</p>
<p>(e) <u>Governmental immunity of a municipality to suit and from liability is waived to the extent of liability created by this section. Official immunity of a municipal officer or employee is waived to the extent of liability created by this section.</u></p>	<p><i>No equivalent provision.</i></p>	<p>Same as House version.</p>
<p>(f) <u>The Fifteenth Court of Appeals <i>has</i> exclusive intermediate appellate <i>jurisdiction</i> over an appeal or original proceeding arising from <i>an</i> action <i>brought under this section.</i></u></p>	<p>(e) <u><i>A claimant in an action brought under this section may elect in the claimant's petition to designate</i> the Fifteenth Court of Appeals <i>as the</i> exclusive intermediate appellate court over an appeal or original proceeding arising from <i>the</i> action.</u></p>	<p>(e) Same as House version.</p>
<p>SECTION 2. Effective date.</p>	<p>SECTION 2. Same as Senate version.</p>	<p>SECTION 2. Same as Senate version.</p>

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 30, 2025

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB15 by Bettencourt (Relating to size and density requirements for residential lots in certain municipalities; authorizing a fee.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would prohibit certain municipalities from adopting or enforcing certain size and density requirements on residential lots. No significant costs to state agencies are anticipated.

Local Government Impact

There could be an impact on certain municipalities with regulations in place pertaining to the size or density of residential lots that would be prohibited under the bill. The authorization of a permitting fee could present an impact to municipalities that choose to assess the fee.

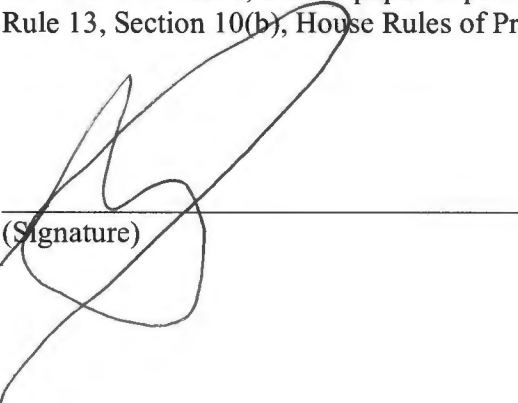
Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, SD, SZ, BC, CWi, BRI, CMA

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on SB 15 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(Signature)

5-30-25

(Date)