

TX Neighborhood Coalition Announces Formal Opposition to HB 2789

For immediate release

Texas Legislature Set to Kill Single-family Zoning throughout the State with ADU Bills

SB1412/HB2789 would enact statewide mandates to impose two housing units on any single-family residential lot in Texas.

(Arlington, TX—May 1, 2023)—The [TX Neighborhood Coalition](#), a grassroots volunteer organization that helps communities preserve the quality of life in all residential neighborhoods, announces its formal opposition to SB1412/HB2789 because these bills would be highly destructive to Texas neighborhoods. These two anti-neighborhood bills, bearing the seemingly innocent title of “accessory dwelling units” or ADUs, have identical language and will force cities and counties throughout the state to allow two housing units on any single-family lot.

SB1412 and HB2789 preempt a city’s local authority to create or enforce zoning ordinances that regulate new or existing ADUs. Neighborhoods would be forever changed, doubling the number of houses and residents relying on a city’s original infrastructure.

The two bills apply a one-size-fits-all process to building and permitting ADUs by mandating that ADUs be allowed on all single-family lots. These are not just small garage apartments or granny flats. ADUs could be up to 50% the size of the primary dwelling unit, so an average 2,500 sq ft home could have a 1,250 sq ft ADU—on every lot within a neighborhood.

Additionally, the bills contain no requirement that the occupant of the ADU must have any family relationship with the owner of the primary lot. Nor does the owner of the primary house need to live there. Also, ADUs would be exempt from “otherwise applicable permeable surface restrictions,” which could lead to significant flooding and erosion issues.

“SB1412 passed in the Senate last Thursday, and HB2789 is likely to be set for a vote in the House in the next few days. We are urging all Texas residents to contact their State House representatives now to tell them to vote no

on HB2789 and end this potential destruction of our residential neighborhoods as we have known them,” said David Schwarte, co-founder, TX Neighborhood Coalition.

Find contact information for Texas state representatives: <https://wrm.capitol.texas.gov/home>

If SB1412 and HB2789 become law, cities that have relied on single-family zoning to build strong neighborhoods will have to accept state mandates that could allow investors to buy homes, build ADUs in the rear, and then rent those properties. These additional units would be allowed regardless of local zoning ordinances or constraints such as population density or traffic.

The scope and ambiguity of these two bills prove that it is impossible to effectively regulate housing from the state level. Furthermore, while affordable housing is an issue for some parts of Texas, allowing ADUs does not improve housing affordability or availability. Without affordable housing incentives and anti-displacement measures, new housing that developers want to build will not be affordable and will not be enough to address a city’s housing shortage. (See end note for recent media coverage about this topic.)

“The TX Neighborhood Coalition appreciates that some cities in Texas need additional housing. However, legislators from far-flung places cannot possibly know the land use needs and constraints in every city and county in a state as vast and diverse as Texas. Only local officials who answer to local voters can make the most appropriate and beneficial housing decisions for their local communities,” said Schwarte.

The TX Neighborhood Coalition is also watching SB1787/HB3921. If passed into law, this bill would force cities in counties with a population of more than 300,000 to approve residential construction permits on any lot size that is at least 1,400 square feet. Many cities have long required lots of 4,000 to 5,000 square feet to afford residents greater privacy and to control noise and population. If passed, cities would be required to approve building permits for lots far smaller than those of existing homes within a neighborhood, and they would have to approve construction of dwellings up to three full stories.

About the TX Neighborhood Coalition

The TX Neighborhood Coalition is a grassroots organization that provides direction and guidance to local citizen groups seeking short-term rental restrictions and other protections in their residential neighborhoods to preserve their quality of life. Our core mission is to help residents restore a sense of safety and community found in residential neighborhoods. The TX Neighborhood Coalition began in 2019, following the successful implementation of a zoning ordinance that prohibits short-term rentals in residential neighborhoods in Arlington, TX. Today, we represent thousands of Texas voters in cities large and small.

<http://www.txneighborhoodcoalition.com>

<https://www.planetizen.com/news/2020/01/108223-upzoning-and-affordability-explained> (Found that allowing two dwellings on single-family lots “increased land values but not housing supply.”)

<https://www.smartcitiesdive.com/news/less-restrictive-zoning-policies-housing-supply-urban-institute/646707/>
(stating "Less restrictive zoning policies were associated with a less than 1% increase in housing supply within three to nine years after such reforms passed, according to a study the Urban Institute published Wednesday. The researchers found no statistically significant evidence that such reforms increased the availability of affordable housing in that period, however.)