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OPINION

Texas lawmakers take aim at single-family zoning. Cities will suffer

If ADU bill is passed, millions of homeowners will lose their rights with no notice





By David Schwarte
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If you own a home in a single-family residential area anywhere in Texas, state lawmakers are coming for your property rights. They are poised — with vast majority of voters unaware of the plan they have cooked up — to pass bills that could severely alter the protections that single-family neighborhoods have long depended on.

Among a slew of anti-neighborhood, anti-local control bills flooding the Texas Legislature, what's known as the ADU bill has already sailed through the Senate. If passed by the House, millions of homeowners will lose their rights with no notice of the kind that normally occurs in any zoning case that changes base land use.

I am one of the co-founders of the grassroots TxNeighborhood Coalition that aims to protect neighborhoods. This bill is a bad step that further commercializes housing, potentially pitting the average home buyer against real estate investment groups that could take advantage of this law to purchase homes with the intention of adding a second dwelling unit on the property and creating multiple rental units. The result could be disastrous for traditional neighborhoods.

Instead of allowing each city to use its own ordinances to maintain unique and longstanding residential zoning ordinances based on local desires about population density, traffic and parking, [Senate Bill 1412](#) and its companion [House Bill 2789](#) would force cities to permit two dwellings per residential lot versus the traditional one home per lot characterized by single-family zoning. Today you have one set of neighbors to your left, and one to your right.



Opinion

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If these bills become law, you could soon have two sets of neighbors to your left and two more to your right, doubling the population density adjacent to your lot. Your city officials would be forbidden from doing anything to protect you.

The bills are labeled ADU for “accessory dwelling units,” a reference to that second permitted structure. Supporters euphemistically call them “mother-in-law” suites’. But that is not the case at all. Neither bill requires any occupant of this second dwelling unit to have any family relationship to the owner of the primary home. Nor may the owner of the primary house be required to live there. This clears a path for deep-pocketed commercial operators to buy up single-family properties, build ADUs and rent out both dwellings.

SB 1412 passed in the Senate on April 27, and HB 2789 could be set for a vote any day.

Those of us who attended the legislative hearings on these bills witnessed a parade of developers pushing these changes to long-established local control, pushing the false narrative that anyone should have the right to develop their property any way they want.

Some argue that adding ADUs will lower housing costs. But there isn’t evidence that’s true. ADUs can wreck a neighborhood by incentivizing corporate ownership without increasing supply enough to make a dent in the need for housing.

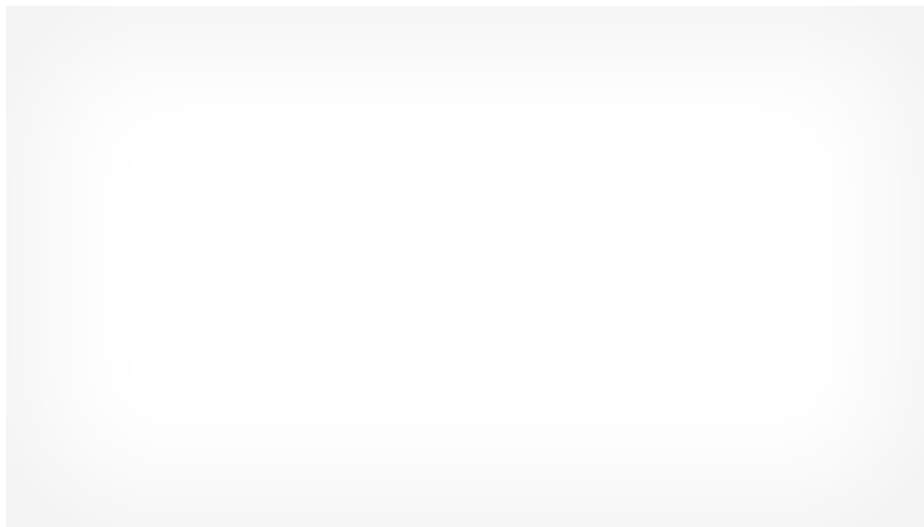
In Texas, communities and cities have long been able to protect people's investments through fair zoning laws. The single-family neighborhood has been part of the American dream for generations.

The Legislature is putting that at risk, turning state lawmakers into zoning czars.

For a state that claims to value property rights, what is being done to protect the rights of millions of homeowners who bought homes in areas zoned as single-family because they wished to live in traditional neighborhoods?

David Schwarte is a retired corporate and regulatory law attorney and resident of a single-family neighborhood in Arlington. He is a co-founder of the TxNeighborhood Coalition, a grassroots organization that works with local citizen groups statewide to preserve and protect the quality of life in residential neighborhoods. He wrote this column for The Dallas Morning News.

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