



TEXAS MUNICIPAL LEAGUE  
*Empowering Texas cities to serve their citizens*

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President **David Rutledge**, Mayor, Bridge City  
Executive Director **Bennett Sandlin**

March 27, 2023

The Honorable Paul Bettencourt  
Chairman, Senate Local Government Committee  
Texas State Senate  
P.O. Box 12068  
Austin, TX 78768-2068

Dear Chairman Bettencourt,

I am writing on behalf of the Texas Municipal League in opposition to **S.B. 929** by **Senator Parker**. We understand the author's intent to address situations where applying zoning and takings law to specific facts may have resulted in an apparent unfair outcome. The League generally supports the transparency measures spelled out in S.B. 929. However, as currently drafted, S.B. 929 would unravel decades of well-established law balancing the rights of property owners and the needs of the public, with additional costs to be borne by local taxpayers.

Property owners affected by a zoning change are not without recourse under current law. Existing law allows uses that pre-date the zoning change to continue if the owner does not abandon or substantially change the size or scope of the use. And if a city finds it necessary to terminate the nonconforming use, it must compensate the property owner through the "amortization" technique.

The Texas Supreme Court held that the amortization technique allows a property owner to recoup their investment in the property at the time of the zoning change. *See City of University Park v. Benners*, 485 S.W.2d 773, 777 (Tex. 1972). This can be done through a lump sum payment or being allowed additional time to operate until the property owner recoups their investment. But the law does not allow a property owner to recoup costs incurred after the zoning change occurs. This rationale weighs the property owner's rights with the city's need to timely address the public necessity for the eventual termination of the use.

Amortization provisions in city ordinances reflect existing law, and those ordinances can and do set different termination periods based upon the nature of the use to ensure predictability and fairness. Cities are able to tailor their zoning regulations to strike the proper balance between community needs as expressed by city residents with the expectations of individual property owners.

S.B. 929 equates a zoning change that results in the eventual discontinuation of a business in a specific location with the city demolishing a property by providing the same higher level of

compensation in both situations. The bill would undermine local procedures that account for unique scenarios, and potentially impose additional costs to city residents in the process.

For these reasons, we respectfully oppose S.B. 929 and urge the committee to take no action on the bill at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a prominent loop at the end.

Monty Wynn  
*Director, Grassroots and Legislative Services*  
*Texas Municipal League*