

BILL ANALYSIS

C.S.S.B. 86
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding municipal ordinances that ban the raising of backyard chickens in a residential area, which can have the effects of prohibiting an individual from owning chickens as pets, of preventing an individual from having fresh eggs readily available, and of making it more difficult for students in agricultural programs to raise chickens for show. C.S.S.B. 86 seeks to address these concerns by prohibiting a municipality from adopting or enforcing an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 86 amends the Local Government Code to prohibit a municipality from adopting or enforcing an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot and to make void an ordinance adopted by a municipality that violates the bill's prohibition. The bill authorizes a municipality to impose reasonable regulations on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens and lists examples of reasonable regulations. The bill applies to an ordinance adopted before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 86 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include a provision, applicable to a restrictive covenant created on or after September 1, 2019, prohibiting a property owners' association from adopting or enforcing a restrictive covenant that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot. The substitute does not include a provision authorizing a property

owners' association to adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens.