

By: Hall, Creighton

S.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of raising or keeping chickens by a municipality or a property owners' association.

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

SECTION 1. Chapter 217, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

Sec. 217.051. SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality may not adopt or enforce an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(b) A municipality may 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, including:

(1) a limit on the number of chickens that may be raised or kept in excess of six;

(2) a prohibition on breeding poultry;

(3) a prohibition on raising or keeping roosters; or

(4) the minimum distance between a chicken coop and a residential structure.

(c) An ordinance adopted by a municipality that violates Subsection (a) is void.

1 SECTION 2. Chapter 202, Property Code, is amended by adding  
2 Section 202.020 to read as follows:

3 Sec. 202.020. SIX CHICKENS ALLOWED ON SINGLE-FAMILY  
4 RESIDENTIAL LOT. (a) Notwithstanding Section 202.002(a), this  
5 section applies only to a restrictive covenant created on or after  
6 September 1, 2019.

7 (b) Notwithstanding any other law and except as provided by  
8 Subsection (c), a property owners' association may not adopt or  
9 enforce a restrictive covenant that prohibits the raising or  
10 keeping of six or fewer chickens on a single-family residential  
11 lot.

12 (c) A property owners' association may adopt and enforce a  
13 restrictive covenant imposing reasonable requirements on the  
14 raising or keeping of poultry on a single-family residential lot  
15 that do not have the effect of prohibiting the raising or keeping of  
16 six or fewer chickens, including:

17 (1) a limit on the number of chickens that may be  
18 raised or kept in excess of six;

19 (2) a prohibition on breeding poultry;

20 (3) a prohibition on raising or keeping roosters; or

21 (4) the minimum distance between a chicken coop and  
22 another lot.

23 (d) A provision that violates Subsection (b) is void.

24 SECTION 3. Subchapter D, Chapter 217, Local Government  
25 Code, as added by this Act, applies to an ordinance adopted before,  
26 on, or after the effective date of this Act.

27 SECTION 4. This Act takes effect September 1, 2019.