

1-1 By: Hall S.B. No. 86
 1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 3, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
 1-6 April 3, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15		X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 86 By: Schwertner

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the regulation of raising or keeping chickens by a
 1-20 municipality or a property owners' association.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 217, Local Government Code, is amended
 1-23 by adding Subchapter D to read as follows:

1-24 SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

1-25 Sec. 217.051. SIX CHICKENS ALLOWED ON SINGLE-FAMILY
 1-26 RESIDENTIAL LOT. (a) Notwithstanding any other law and except as
 1-27 provided by Subsection (b), a municipality may not adopt or enforce
 1-28 an ordinance that prohibits the raising or keeping of six or fewer
 1-29 chickens on a single-family residential lot.

1-30 (b) A municipality may impose reasonable regulations on the
 1-31 raising or keeping of poultry on a single-family residential lot
 1-32 that do not have the effect of prohibiting the raising or keeping of
 1-33 six or fewer chickens, including:

1-34 (1) a limit on the number of chickens that may be
 1-35 raised or kept in excess of six;

1-36 (2) a prohibition on breeding poultry;

1-37 (3) a prohibition on raising or keeping roosters; or

1-38 (4) the minimum distance between a chicken coop and a
 1-39 residential structure.

1-40 (c) An ordinance adopted by a municipality that violates
 1-41 Subsection (a) is void.

1-42 SECTION 2. Chapter 202, Property Code, is amended by adding
 1-43 Section 202.020 to read as follows:

1-44 Sec. 202.020. SIX CHICKENS ALLOWED ON SINGLE-FAMILY
 1-45 RESIDENTIAL LOT. (a) Notwithstanding Section 202.002(a), this
 1-46 section applies only to a restrictive covenant created on or after
 1-47 September 1, 2019.

1-48 (b) Notwithstanding any other law and except as provided by
 1-49 Subsection (c), a property owners' association may not adopt or
 1-50 enforce a restrictive covenant that prohibits the raising or
 1-51 keeping of six or fewer chickens on a single-family residential
 1-52 lot.

1-53 (c) A property owners' association may adopt and enforce a
 1-54 restrictive covenant imposing reasonable requirements on the
 1-55 raising or keeping of poultry on a single-family residential lot
 1-56 that do not have the effect of prohibiting the raising or keeping of
 1-57 six or fewer chickens, including:

1-58 (1) a limit on the number of chickens that may be
 1-59 raised or kept in excess of six;

1-60 (2) a prohibition on breeding poultry;

