87R3174 DRS-F

By:  Zaffirini S.B. No. 1062

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of food production on single-family residential lots by a municipality or 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 Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 217.901.  FOOD PRODUCTION 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 any of the following activities on a single-family residential lot:

(1)  the growing of fruits and vegetables; or

(2)  the raising or keeping of:

(A)  six or fewer domestic fowls;

(B)  six or fewer rabbits; or

(C)  three or fewer beehives.

(b)  A municipality may impose reasonable regulations on the raising or keeping of fowls, rabbits, or bees on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of the fowls, rabbits, or bees, including:

(1)  a limit on the number of animals or beehives that is more than the minimum number allowed by this section;

(2)  a prohibition on raising or keeping of a rooster; or

(3)  the minimum distance between an animal shelter or beehive and a residential structure.

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

SECTION 2.  Chapter 202, Property Code, is amended by adding Section 202.022 to read as follows:

Sec. 202.022.  FOOD PRODUCTION ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Notwithstanding any other law and except as provided by Subsection (b), a property owners' association may not adopt or enforce a restrictive covenant that prohibits any of the following activities on a single-family residential lot:

(1)  the growing of fruits and vegetables;

(2)  the raising or keeping of:

(A)  six or fewer domestic fowls;

(B)  six or fewer rabbits; or

(C)  three or fewer beehives; or

(3)  a cottage food production operation, as defined by Section 437.001(2-b), Health and Safety Code.

(b)  A property owners' association may adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of fowls, rabbits, or bees on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of the fowls, rabbits, or bees, including:

(1)  a limit on the number of animals or beehives that is more than the minimum number allowed by this section;

(2)  a prohibition on raising or keeping of a rooster; or

(3)  the minimum distance between an animal shelter or beehive and a residential structure.

(c)  A provision that violates this section is void.

SECTION 3.  This Act takes effect September 1, 2021.