

By: Zaffirini

S.B. No. 1062

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of food production on single-family
3 residential lots by a municipality or property owners' association.

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

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

7 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

8 Sec. 217.901. FOOD PRODUCTION ALLOWED ON SINGLE-FAMILY
9 RESIDENTIAL LOT. (a) Notwithstanding any other law and except as
10 provided by Subsection (b), a municipality may not adopt or enforce
11 an ordinance that prohibits any of the following activities on a
12 single-family residential lot:

13 (1) the growing of fruits and vegetables; or

14 (2) the raising or keeping of:

15 (A) six or fewer domestic fowls;

16 (B) six or fewer rabbits; or

17 (C) three or fewer beehives.

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

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

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

1 or

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

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

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

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

13 (1) the growing of fruits and vegetables;

14 (2) the raising or keeping of:

15 (A) six or fewer domestic fowls;

16 (B) six or fewer rabbits; or

17 (C) three or fewer beehives; or

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

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

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

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

1 or

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

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

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