**BILL ANALYSIS**

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| Senate Research Center | S.B. 326 |
| 88R3627 KBB-D | By: Hall |
|  | Local Government |
|  | 2/27/2023 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The upheaval caused by the COVID-19 pandemic underscored the importance of resiliency for individuals, companies, and society alike. Disruptions revealed the fragility of just-in-time supply chains, which have contributed to inflation, while Winter Storm Uri exposed the precariousness of our electric grid infrastructure. Just as companies might diversify their partnerships with producers to make their supply chains more resilient to future shocks, on a small scale, individuals can take steps to increase their resiliency, such as by keeping gardens and growing their own food.

Some local city ordinances and property owners' associations restrict or even prohibit raising chickens within city limits. Some counties impose additional requirements. Such ordinances and covenants are unduly restrictive and encroach on a property owner's rights to utilize his/her property as he/she sees fit, within reason.

This bill bars a municipality or property owners' association from prohibiting the raising or keeping of six or fewer chickens on a single-family residential lot. It allows a municipality to impose reasonable regulations, including a limit on the number of chickens that may be raised or kept in excess of six, a prohibition on breeding poultry, a prohibition on the raising or keeping of roosters, and minimum distancing/space requirements.

Municipalities may still impose reasonable regulations on the keeping of poultry. The provisions of the bill apply to restrictive covenants created on or after September 1, 2023. Chickens provide a continual food source (eggs) and increase individual resilience.

As proposed, S.B. 326 amends current law relating to the authority of a municipality or a property owners' association to regulate the raising or keeping of chickens.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 217, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

Sec. 217.061. SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Prohibits a municipality, notwithstanding any other law and except as provided by Subsection (b), from adopting or enforcing an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(b) 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, including:

(1) a limit on the number of chickens that are authorized to 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) Provides that an ordinance adopted by a municipality that violates Subsection (a) is void.

SECTION 2. Amends Chapter 202, Property Code, by adding Section 202.024, as follows:

Sec. 202.024. SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Provides that this section, notwithstanding Section 202.002(a) (relating to the application of Chapter 202 (Construction and Enforcement of Restrictive Covenants) to all restrictive covenants regardless of the date on which they were created), applies only to a restrictive covenant created on or after September 1, 2023.

(b) Prohibits a property owners' association, notwithstanding any other law and except as provided by Subsection (c), from adopting or enforcing a restrictive covenant that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(c) Authorizes 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, including:

(1) a limit on the number of chickens that are authorized to 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 another lot.

(d) Provides that a provision that violates Subsection (b) is void.

SECTION 3. Effective date: upon passage or September 1, 2023.