

BILL ANALYSIS

C.S.H.B. 1191
By: Cain
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A growing number of Texans have shown an interest in raising chickens for pleasure and food. Raising animals has been shown to have a number of benefits, including increased access to high-quality and nutritious food, a reduction in family food bills, and physical and mental well-being. Unfortunately, some political subdivisions restrict Texans from raising their own food. C.S.H.B. 1191 seeks to prevent municipalities and counties from prohibit property owners from raising or keeping a certain number of chickens while still providing for reasonable regulations and requirements.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1191 amends the Local Government Code to municipalities and counties, respectively and except as provided by the bill, from adopting or enforcing an ordinance or order that prohibits the keeping or raising of six or fewer chickens, including:

- a limitation on the number of chickens an individual may raise or keep in excess of six;
- a prohibition on breeding chickens;
- a prohibition on keeping or raising of roosters;
- a requirement that a person only keep chickens in he residence's rear yard;
- a requirement that a person provide fencing or shelter to contain chickens on the person's property; or
- a requirement related to the accumulation of animal waste that results in an offensive odor attracts pests.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF ORIGINAL TO SUBSTITUTE

While C.S.H.B. 1191 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the prohibitions in the introduced applied to political subdivisions, the prohibitions in the substitute apply only to municipalities and counties. While the introduced allowed a municipality to limit the raising or keeping of breeding poultry, the substitute permits a municipality to limit the raising or keeping of breeding chickens.

The substitute includes provisions absent from the introduced, including:

- permitting a municipality to impose a reasonable regulation as to:
 - a requirement that an individual only keep chickens in the rear yard of a residence;
 - a requirement that an individual provide fencing or shelter sufficient to contain chickens on the individual's property; or
 - a regulation related to the accumulation of animal waste that results in an offensive odor or attracts pests.

The substitute omits provisions present in the introduced that prohibited a property owners' association from adopting or enforcing a restrictive covenant that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot with certain exceptions, 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 raising or keeping roosters; or
- the minimum distance between a chicken coop and another lot.

The substitute also omits a provision in the introduced limiting the application of the prohibitions on political subdivisions to governmental requirements adopted before, on, or after the effective date of the bill.