By:  Cain H.B. No. 1191

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of raising or keeping six or fewer chickens by a political subdivision or property owners' association.

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

SECTION 1.  This Act shall be known as the Chicken Freedom Act.

SECTION 2.  The heading to Chapter 251, Agriculture Code, is amended to read as follows:

CHAPTER 251. EFFECT OF NUISANCE ACTIONS AND GOVERNMENTAL REQUIREMENTS ON CERTAIN [~~PREEXISTING~~] AGRICULTURAL OPERATIONS

SECTION 3.  Chapter 251, Agriculture Code, is amended by adding Section 251.007 to read as follows:

Sec. 251.007.  SIX CHICKENS ALLOWED. (a) Notwithstanding any other law and except as provided by Subsection (b), a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision.

(b)  A municipality may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the municipality 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 an individual may raise or keep in excess of six;

(2)  a prohibition on breeding poultry; or

(3)  a prohibition on raising or keeping roosters.

(c)  A governmental requirement adopted by a political subdivision that violates Subsection (a) is void.

SECTION 4.  Chapter 202, Property Code, is amended by adding Section 202.024 to read as follows:

Sec. 202.024.  SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Notwithstanding Section 202.002(a), this section applies only to a restrictive covenant created on or after September 1, 2023.

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

(c)  A property owners' association may 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 may 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)  A provision that violates Subsection (b) is void.

SECTION 5.  Section 251.007, Agriculture Code, as added by this Act, applies to a governmental requirement adopted before, on, or after the effective date of this Act.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.