

By: Cain

H.B. No. 1191

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

19 (b) A municipality may impose reasonable governmental
20 requirements on the raising or keeping of poultry in the boundaries
21 of the municipality that do not have the effect of prohibiting the
22 raising or keeping of six or fewer chickens, including:

23 (1) a limit on the number of chickens an individual may
24 raise or keep in excess of six;

1 (2) a prohibition on breeding poultry; or

2 (3) a prohibition on raising or keeping roosters.

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

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

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

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

16 (c) A property owners' association may adopt and enforce a
17 restrictive covenant imposing reasonable requirements on the
18 raising or keeping of poultry on a single-family residential lot
19 that do not have the effect of prohibiting the raising or keeping of
20 six or fewer chickens, including:

21 (1) a limit on the number of chickens that may be
22 raised or kept in excess of six;

23 (2) a prohibition on breeding poultry;

24 (3) a prohibition on raising or keeping roosters; or

25 (4) the minimum distance between a chicken coop and
26 another lot.

27 (d) A provision that violates Subsection (b) is void.

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

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