**BILL ANALYSIS**

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| Senate Research Center | S.B. 1567 |
|  | By: Bettencourt |
|  | Local Government |
|  | 6/6/2025 |
|  | Enrolled |

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

Under home-rule municipal authority, some cities regulate by ordinance the number of unrelated individuals that may reside in the same dwelling unit, regardless of the dwelling's size. These types of ordinances restrict individual property owners and tenants from maximizing the use of a dwelling unit's potential, and result in tenants having to seek more expensive living arrangement alternatives.

Further, it has been reported that some home-rule municipalities have sought to enforce these types of ordinances with enforcement mechanisms that could qualify as harassment under revised Penal Code statutes, such as tracking individuals' motor vehicles over extended periods.

S.B. 1567 seeks to alleviate these burdens by prohibiting a municipality from adopting or enforcing an ordinance that limits the number of people who may occupy a dwelling unit based on age, familial status, occupation, relationship status, or whether the occupants are related to each other by a certain degree of consanguinity.

Committee Substitute:

The committee substitute to S.B. 1567 makes three changes based on the testimony heard in committee:

1. Brackets the bill to municipalities with a public institution of higher education.
2. Municipality may not adopt a more restrictive occupancy limit than:
   1. One occupant per sleeping room with a minimum of 70 square feet
   2. One additional occupant for each additional 50 square feet in the same sleeping room
3. Municipality is prohibited from investigating and/or enforcing the number of unrelated individuals living together through the inspection of lease documents from a real estate broker, agent, or other third-party fiduciary.

S.B. 1567 amends current law relating to the authority of home-rule municipalities to regulate the occupancy of dwelling units.

**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 211, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS RELATED TO OCCUPANCY IN CERTAIN MUNICIPALITIES

Sec. 211.051. DEFINITIONS. Defines "dwelling unit" and "institution of higher education."

Sec. 211.052. APPLICABILITY. Provides that this subchapter applies only to a home-rule municipality with a population of less than 250,000:

(1) in which the campus of an institution of higher education with a student enrollment of more than 20,000 is located; or

(2) that is adjacent to the campus of an institution of higher education described by Subdivision (1).

Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS. (a) Prohibits a municipality, except as provided by Subsection (b), from adopting or enforcing a zoning ordinance, rule, or other regulation that limits the number of people who are authorized to occupy a dwelling unit based on certain factors.

(b) Authorizes a municipality to impose a limit on the number of occupants of a dwelling unit that is not more restrictive than one occupant per sleeping room with a minimum floor area of 70 square feet and one additional occupant for each additional 50 square feet of floor area in the same sleeping room.

Sec. 211.054. NO EFFECT ON OTHER ZONING AUTHORITY. Provides that this subchapter does not prohibit a municipality from imposing a limit on the number of people who are authorized to occupy a dwelling unit based on health and safety standards contained in certain guidelines.

Sec. 211.055. LEASE REVIEW PROHIBITED. Prohibits a municipality from requiring a real estate broker, agent, or other third party fiduciary to submit for review or provide access to a lease or related document to determine the number of unrelated occupants of a dwelling unit for the purpose of enforcing a dwelling unit occupancy requirement.

Sec. 211.056. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. Provides that this subchapter does not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement.

Sec. 211.057. CIVIL ACTION. (a) Authorizes a person who owns property in or a tenant who resides in a municipality who is adversely affected or aggrieved by the municipality's violation of this subchapter to bring an action against the municipality or an officer or employee of the municipality in the officer's or employee's official capacity for relief described by Subsection (c).

(b) Requires a claimant to bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) Authorizes a court, in an action brought under this section, to enter a declaratory judgment under Chapter 37 (Declaratory Judgements), Civil Practice and Remedies Code, issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter, and issue an injunction preventing the defendant from violating this subchapter.

(d) Requires a court to award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant.

(e) Provides that the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an appeal or original proceeding arising from an action brought under this section.

SECTION 2. Effective date: September 1, 2025.