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| BILL ANALYSIS |

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| S.B. 1567 |
| By: Bettencourt |
| Land & Resource Management |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** Texas home-rule municipalities have the authority to adopt ordinances governing local affairs, including zoning regulations that can affect housing occupancy standards. The bill sponsor has informed the committee that some municipalities have implemented occupancy limits based on criteria such as age, familial status, occupation, relationship status, or degrees of kinship among occupants. S.B. 1567 seeks to prohibit the adoption or enforcement of such limits by a home-rule municipality in which a public university campus is located. |
| **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** S.B. 1567 amends the Local Government Code to prohibit a home-rule municipality in which a university campus is located from doing the following:* adopting or enforcing a zoning ordinance, rule, or other regulation 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 affinity or consanguinity; or
* 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.

The bill defines "university" as a public institution of higher education and "dwelling unit" as a house, apartment unit, or any unit in a multiunit residential structure, excluding a unit in a hotel, motel, or other establishment in which more than half of the units are intended to be used for transient accommodations.S.B. 1567 authorizes such 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.S.B. 1567 establishes that the bill's provisions do not do the following:* prohibit a municipality from imposing a limit on the number of people who may occupy a dwelling unit based on health and safety standards contained in an adopted building code, a fire code, standards adopted by the Department of State Health Services, or local, state, or federal affordable housing program guidelines; or
* prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement.

S.B. 1567 authorizes a property owner in a municipality that violates the bill's provisions to bring an action against the municipality for damages incurred due to the violation and for appropriate equitable relief. The bill waives governmental immunity of the municipality to suit and from liability to the extent of liability created by the bill. The bill authorizes a court to award a prevailing claimant reasonable attorney's fees incurred in bringing such an action. |
| **EFFECTIVE DATE** September 1, 2025. |