**BILL ANALYSIS**

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| Senate Research Center | C.S.S.B. 1567 |
| 89R20985 DRS-F | By: Bettencourt |
|  | Local Government |
|  | 3/24/2025 |
|  | Committee Report (Substituted) |

**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.

C.S.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. DEFINITION. Defines "dwelling unit" and "university."

Sec. 211.052. APPLICABILITY. Provides that this subchapter applies only to a home-rule municipality in which a university campus is located.

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. PROPERTY OWNER ACTION. (a) Authorizes a property owner in a municipality that violates this subchapter to bring an action against the municipality for damages incurred due to the violation and for appropriate equitable relief.

(b) Provides that governmental immunity of the municipality to suit and from liability is waived to the extent of liability created by this section.

(c) Authorizes a court to award a prevailing claimant reasonable attorney's fees incurred in bringing an action under this section.

SECTION 2. Effective date: September 1, 2025.