

BILL ANALYSIS

C.S.H.B. 294
By: Cortez
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that a growing number of Texans have shown an interest in raising food for themselves, whether it's for the health of their families or just the pleasure of gardening, and that growing a home garden has numerous benefits, such as providing secure access to high-quality, fresh, and nutritious food; reducing family food bills; and providing physical and mental health benefits. However, according to witness testimony provided to the committee, some property owners' associations (POA) restrict Texans' ability to grow and raise their own food sources. C.S.H.B. 294 seeks to prevent POAs from prohibiting the growing of fruits and vegetables or the raising or keeping of a certain number of domestic fowl and adult rabbits while still providing for reasonable requirements.

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

C.S.H.B. 294 amends the Property Code to prohibit a property owners' association (POA), except as provided by the bill, from adopting or enforcing a restrictive covenant that prohibits any of the following activities on a single-family residential lot:

- growing fruits and vegetables;
- raising or keeping six or fewer domestic fowl or six or fewer adult rabbits; and
- producing food at a cottage food production operation, as defined by Health and Safety Code provisions regulating food service establishments, retail food stores, mobile food units, and roadside food vendors.

C.S.H.B. 294 authorizes a POA to adopt and enforce a restrictive covenant imposing reasonable requirements on the growing of fruits and vegetables on a single-family residential lot that do not have the effect of prohibiting that growing in a residence's front, side, or rear yard, including a requirement that the growing area be maintained in good condition if visible from the street faced by the lot or from an adjoining lot and a requirement for the trimming or removal of a tree as necessary for the maintenance of a utility easement.

C.S.H.B. 294 authorizes a POA to adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of fowl or rabbits on a single-family residential lot to

control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of the fowl or rabbits, including the following:

- a limit on the number of fowl or rabbits that is more than:
 - the minimum number allowed by the bill; or
 - a total combined number of eight fowl and rabbits, subject to the bill's limits for each type of animal;
- a prohibition on raising or keeping a rooster;
- the minimum distance between an animal shelter and a residential structure other than the animal owner's own residence;
- a requirement for fencing or shelter sufficient to contain the fowl or rabbits on the owner's property;
- minimum requirements for combined housing and outdoor space of at least 20 square feet per fowl and nine square feet per rabbit;
- a requirement to address sanitary conditions in a manner that prevents accumulation of animal waste in a quantity sufficient to create an offensive odor or attract pests; or
- a requirement that the fowl or rabbits may only be kept in the side or rear yard of a residence.

C.S.H.B. 294 expressly does not do the following:

- require a POA to permit the growing of fruits or vegetables or the raising or keeping of fowl or rabbits on property that is owned by the POA or owned in common by the POA's members; or
- restrict a POA from taking the following actions:
 - regulating the size and shielding of, or the materials used in the construction of, an animal shelter that is visible from a street, another lot, or a common area if the restriction does not prohibit the economic installation of the animal shelter on the property owner's property;
 - regulating or prohibiting the installation of signage by a cottage food operation; or
 - regulating parking or vehicular or pedestrian traffic associated with a cottage food operation.

C.S.H.B. 294 exempts the following from the bill's provisions:

- a condominium council of owners governed by the Condominium Act; and
- a unit owners' association governed by the Uniform Condominium Act.

C.S.H.B. 294 voids a provision that violates the bill.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 294 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits provisions from the introduced that made the bill applicable to a municipality in substantially the same manner as the bill applies to a POA.