BILL ANALYSIS

Senate Research Center
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S.B. 1567
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Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under home-rule municipal authority, some cities regulate by ordinance the number of unrelated individuals who 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.

As proposed, 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."

Sec. 211.052. APPLICABILITY. Provides that this subchapter applies only to a home-rule municipality.

Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS. Prohibits a municipality 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.

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. 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. 211.056. 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.