S.B. No. 1567

AN ACT

relating to the authority of home-rule municipalities to regulate the occupancy of dwelling units.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 211, Local Government Code, is amended by adding Subchapter D to read as follows:

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

Sec. 211.051.  DEFINITIONS. In this subchapter:

(1)  "Dwelling unit" means a house, apartment unit, or any unit in a multiunit residential structure. The term does not include 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.

(2)   "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

Sec. 211.052.  APPLICABILITY. 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) Except as provided by Subsection (b), a municipality may not adopt or enforce a zoning ordinance, rule, or other regulation that limits the number of people who may occupy a dwelling unit based on:

(1)  age;

(2)  familial status;

(3)  occupation;

(4)  relationship status; or

(5)  whether the occupants are related to each other by a certain degree of affinity or consanguinity.

(b)  A municipality may impose a limit on the number of occupants of a dwelling unit that is not more restrictive than:

(1)  one occupant per sleeping room with a minimum floor area of 70 square feet; and

(2)  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. This subchapter does not 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:

(1)  a building code as adopted under Subchapter G, Chapter 214;

(2)  a fire code;

(3)  standards adopted by the Department of State Health Services; or

(4)  local, state, or federal affordable housing program guidelines.

Sec. 211.055.  LEASE REVIEW PROHIBITED. A municipality may not require 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. 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) 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 may 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)  A claimant must 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)  In an action brought under this section, a court may:

(1)  enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;

(2)  issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter; and

(3)  issue an injunction preventing the defendant from violating this subchapter.

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

(e)  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.  This Act takes effect September 1, 2025.

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I hereby certify that S.B. No. 1567 passed the Senate on April 14, 2025, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 30, 2025, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 1567 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 101, Nays 29, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor