

By: Cortez

H.B. No. 294

Substitute the following for H.B. No. 294:

By: Kitzman

C.S.H.B. No. 294

A BILL TO BE ENTITLED

AN ACT

relating to the regulation by a property owners' association of food production on single-family residential lots.

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

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.025 to read as follows:

Sec. 202.025. FOOD PRODUCTION ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Notwithstanding any other law and except as provided by this section, a property owners' association may not adopt or enforce a restrictive covenant that prohibits any of the following activities on a single-family residential lot:

(1) growing fruits and vegetables;

(2) raising or keeping:

(A) six or fewer domestic fowl; or

(B) six or fewer adult rabbits; or

(3) producing food at a cottage food production operation as defined by Section 437.001, Health and Safety Code.

(b) A property owners' association may 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 the growing of the fruits or vegetables in the front, side, or rear yard of a residence, including:

(1) a requirement that the growing area be maintained

1 in good condition if visible from the street faced by the lot or  
2 from an adjoining lot; and

3 (2) a requirement for the trimming or removal of a tree  
4 as necessary for the maintenance of a utility easement.

5 (c) A property owners' association may adopt and enforce a  
6 restrictive covenant imposing reasonable requirements on the  
7 raising or keeping of fowl or rabbits on a single-family  
8 residential lot to control odor, noise, safety, or sanitary  
9 conditions that do not have the effect of prohibiting the raising or  
10 keeping of the fowl or rabbits, including:

11 (1) a limit on the number of fowl or rabbits that is  
12 more than:

13 (A) the minimum number allowed by Subsection  
14 (a)(2); or

15 (B) a total combined number of eight fowl and  
16 rabbits, subject to the limits of Subsection (a)(2);

17 (2) a prohibition on raising or keeping a rooster;

18 (3) the minimum distance between an animal shelter and  
19 a residential structure other than the animal owner's own  
20 residence;

21 (4) a requirement for fencing or shelter sufficient to  
22 contain the fowl or rabbits on the owner's property;

23 (5) minimum requirements for combined housing and  
24 outdoor space of at least:

25 (A) 20 square feet per fowl; and

26 (B) nine square feet per rabbit;

27 (6) 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

(7) a requirement that the fowl or rabbits may only be  
kept in the side or rear yard of a residence.

(d) This section does not:

(1) restrict a property owners' association from:

(A) 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;

(B) regulating or prohibiting the installation  
of signage by a cottage food operation; or

(C) regulating parking or vehicular or  
pedestrian traffic associated with a cottage food operation; or

(2) require a property owners' association to permit  
the growing of fruits or vegetables or the raising or keeping of  
fowl or rabbits on property:

(A) owned by the property owners' association; or

(B) owned in common by the members of the  
property owners' association.

(e) This section does not apply to a condominium council of  
owners governed by Chapter 81 or unit owners' association governed  
by Chapter 82.

(f) A provision that violates this section is void.

SECTION 2. This Act takes effect September 1, 2025.