

By: Vasut

H.B. No. 2797

A BILL TO BE ENTITLED

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. DEFINITION. In this subchapter, "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.

Sec. 211.052. APPLICABILITY. This subchapter applies only to a home-rule municipality.

Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS. 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

1 a certain degree of affinity or consanguinity.

2 Sec. 211.054. NO EFFECT ON OTHER ZONING AUTHORITY. This
3 subchapter does not prohibit a municipality from imposing a limit
4 on the number of people who may occupy a dwelling unit based on
5 health and safety standards contained in:

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

8 (2) a fire code;

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

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

13 Sec. 211.055. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS
14 AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a
15 property owner from enforcing rules or deed restrictions imposed by
16 a property owners' association or by other private agreement.

17 Sec. 211.056. PROPERTY OWNER ACTION. (a) A property owner
18 in a municipality that violates this subchapter may bring an action
19 against the municipality for damages incurred due to the violation
20 and for appropriate equitable relief.

21 (b) Governmental immunity of the municipality to suit and
22 from liability is waived to the extent of liability created by this
23 section.

24 (c) A court may award a prevailing claimant reasonable
25 attorney's fees incurred in bringing an action under this section.

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