

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)

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

- 4 (1) age;
- 5 (2) familial status;
- 6 (3) occupation;
- 7 (4) relationship status; or
- 8 (5) whether the occupants are related to each other by
9 a certain degree of affinity or consanguinity.

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

- 12 (1) one occupant per sleeping room with a minimum
13 floor area of 70 square feet; and
- 14 (2) one additional occupant for each additional 50
15 square feet of floor area in the same sleeping room.

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

- 20 (1) a building code as adopted under Subchapter [G](#),
- 21 Chapter [214](#);
- 22 (2) a fire code;
- 23 (3) standards adopted by the Department of State
24 Health Services; or
- 25 (4) local, state, or federal affordable housing
26 program guidelines.

27 Sec. 211.055. LEASE REVIEW PROHIBITED. A municipality may

1 not require a real estate broker, agent, or other third party
2 fiduciary to submit for review or provide access to a lease or
3 related document to determine the number of unrelated occupants of
4 a dwelling unit for the purpose of enforcing a dwelling unit
5 occupancy requirement.

6 Sec. 211.056. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS
7 AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a
8 property owner from enforcing rules or deed restrictions imposed by
9 a property owners' association or by other private agreement.

10 Sec. 211.057. CIVIL ACTION. (a) A person who owns property
11 in or a tenant who resides in a municipality who is adversely
12 affected or aggrieved by the municipality's violation of this
13 subchapter may bring an action against the municipality or an
14 officer or employee of the municipality in the officer's or
15 employee's official capacity for relief described by Subsection
16 (c).

17 (b) A claimant must bring an action under this section in a
18 county in which the real property that is the subject of the action
19 is wholly or partly located.

20 (c) In an action brought under this section, a court may:

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

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

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

27 (d) A court shall award reasonable attorney's fees and court

1 costs incurred in bringing an action under this section to a
2 prevailing claimant.

3 (e) The Fifteenth Court of Appeals has exclusive
4 intermediate appellate jurisdiction over an appeal or original
5 proceeding arising from an action brought under this section.

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

President of the Senate

Speaker of the House

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