

**SUBJECT:** Allowing certain food production activities on single-family residential lot

**COMMITTEE:** Agriculture and Livestock — committee substitute recommended

**VOTE:** 8 ayes — Burns, Anderson, Bailes, Cole, Cyrier, Guillen, Herrero, Toth

1 nay — Rosenthal

**WITNESSES:** For — Judith McGeary, Farm and Ranch Freedom Alliance; Alexis Phelps and Leslie Provence, Food Policy Council of San Antonio; Dennis Gray; Tina Rivera; (*Registered, but did not testify*: Lauren Loney, The Humane Society of the United States; and 16 individuals)

Against — Paul Gaines, Texas Community Association Advocates; (*Registered, but did not testify*: Dan Shelley, City of Coppell; Monty Wynn, Texas Municipal League)

On — (*Registered, but did not testify*: Joe Morris and Dorothy Stillman, Texas Beekeepers Association)

**BACKGROUND:** Observers have noted that many Texans want to grow their own food, especially since the COVID-19 pandemic disrupted the food supply chain and increased food insecurity for numerous families. Suggestions have been made to prevent municipalities and property owners' associations from restricting Texans' ability to grow their own food.

**DIGEST:** CSHB 1686 would prohibit a municipality or property owners' association from adopting or enforcing an ordinance or restrictive covenant that prohibited certain activities related to food production on a single-family residential lot. The bill would authorize a municipality or property owners' association to impose certain reasonable regulations or requirements.

**Prohibitions.** Under the bill, a municipality could not adopt or enforce an ordinance that prohibited the growing of fruits and vegetables or the raising or keeping of six or fewer domestic fowls or adult rabbits on a single-family residential lot. A property owners' association also could not

adopt or enforce a restrictive covenant that prohibited those activities.

**Permissions.** The bill would authorize a municipality or a property owners' association to impose certain reasonable regulations or requirements on the growing of fruits and vegetables on a single-family residential lot that did not have the effect of prohibiting the growing of fruits or vegetables in the front, side, or rear yard of a residence.

A municipality or property owners' association also could impose regulations or requirements on the raising or keeping of fowls or rabbits on a single-family residential lot to control odor, noise, safety, or sanitary conditions that did not have the effect of prohibiting the raising or keeping of the fowls or rabbits. Regulations that could be imposed include:

- a prohibition on raising or keeping of a rooster;
- the minimum distance between an animal shelter and a residential structure other than the animal owner's residence;
- a requirement for fencing or shelter sufficient to contain the fowls or rabbits on the owner's property; or
- minimum requirements for combined housing and outdoor space for fowls and rabbits, among other regulations.

**Property owner's association.** In addition to the prohibitions and permissions above, the bill would not restrict a property owners' association from:

- regulating the size and shielding of, or the materials used in the construction of, an animal shelter that was visible from a street, another lot, or a common area if the restriction did not prohibit the economic installation of the animal shelter on the property owner's property;
- regulating or prohibiting the installation of signage by a cottage food operation; or
- regulating parking or vehicular or pedestrian traffic associated with a cottage food operation.

The bill also would not require a property owners' association to permit the growing of fruits or vegetables or the raising or keeping of fowls or rabbits on property owned by the association or owned in common by the association's members.

**Other provisions.** The bill would not apply to a condominium unit, a condominium council of owners, or unit owners' association.

An ordinance adopted by a municipality or a provision that violated the bill's provisions would be void.

The bill would take effect September 1, 2021.