

BILL ANALYSIS

Senate Research Center
86R23353 TSR-D

C.S.S.B. 86
By: Hall
Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local city ordinances often restrict or even prohibit raising chickens within city limits. Some counties impose additional requirements. This makes it difficult for students to carry out poultry projects in 4-H or Future Farmers of America (FFA). These ordinances also prevent people of all ages from enjoying the benefits of backyard chickens.

S.B. 86 would allow any citizen of Texas to raise six or fewer chickens in their backyard, regardless of where they live. The bill would still allow cities and counties to place reasonable regulations on those chickens, as long as they do not prevent six or fewer poultry. The goal of S.B. 86 is to ensure that Texans' right to use and enjoy their property is protected.

Two vibrant youth programs in Texas are 4-H and FFA. Students are encouraged to expand their knowledge of agriculture by raising animals through their programs, regardless of whether they live in the country or the city. The poultry programs are popular among students due to the ease of transporting chickens. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 86 amends current law relating to the regulation of raising or keeping chickens by a municipality or a property owners' association.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 217, Local Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

Sec. 271.051. **SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT.** (a) Prohibits a municipality, notwithstanding any other law and except as provided by Subsection (b), from adopting or enforcing an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(b) Authorizes a municipality to impose reasonable regulations on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including a limit on the number of chickens that are authorized to be raised or kept in excess of six, a prohibition on breeding poultry, a prohibition on raising or keeping roosters, or the minimum distance between a chick coop and a residential structure.

(c) Provides that an ordinance adopted by a municipality that violates Subsection (a) is void.

SECTION 2. Amends Chapter 202, Property Code, by adding Section 202.020, as follows:

Sec. 202.020. SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Provides that notwithstanding Section 202.020(a) (relating to the provision that this chapter relating to restrictive covenants applies to all covenants regardless of their date of creation), this section applies only to a restrictive covenant created on or after September 1, 2019.

(b) Prohibits a property owner's association, notwithstanding any other law and except as provided by Subsection (c), from adopting or enforcing a restrictive covenant that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(c) Authorizes a property owners' association to adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

(1) a limit on the number of chickens that is authorized to be raised or kept in excess of six;

(2) a prohibition on breeding poultry;

(3) a prohibition on raising or keeping roosters; or

(4) the minimum distance between a chicken coop and another lot.

(d) Provides that a provision that violates Subsection (b) is void.

SECTION 3. Provides that Subchapter D, Chapter 217, Local Government Code, as added by this Act, applies to an ordinance adopted before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2019.