

By: Vasut

H.B. No. 2797

Substitute the following for H.B. No. 2797:

By: Gates

C.S.H.B. No. 2797

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of home-rule municipalities to regulate
3 the occupancy of dwelling units.

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

5 SECTION 1. Chapter 211, Local Government Code, is amended
6 by adding Subchapter D to read as follows:

7 SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS RELATED TO OCCUPANCY
8 IN CERTAIN MUNICIPALITIES

9 Sec. 211.051. DEFINITION. In this subchapter, "dwelling
10 unit" means a house, apartment unit, or any unit in a multiunit
11 residential structure. The term does not include a unit in a hotel,
12 motel, or other establishment in which more than half of the units
13 are intended to be used for transient accommodations.

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

16 Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS. (a)
17 Except as provided by Subsection (b), a municipality may not adopt
18 or enforce a zoning ordinance, rule, or other regulation that
19 limits the number of people who may occupy a dwelling unit based on:

20 (1) age;

21 (2) familial status;

22 (3) occupation;

23 (4) relationship status; or

24 (5) whether the occupants are related to each other by

1 a certain degree of affinity or consanguinity.

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

4 (1) one occupant per sleeping room with a minimum
5 floor area of 70 square feet; and

6 (2) one additional occupant for each additional 50
7 square feet of floor area in the same sleeping room.

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

12 (1) a building code as adopted under Subchapter G,
13 Chapter 214;

14 (2) a fire code;

15 (3) standards adopted by the Department of State
16 Health Services; or

17 (4) local, state, or federal affordable housing
18 program guidelines.

19 Sec. 211.055. LEASE REVIEW PROHIBITED. A municipality may
20 not require a real estate broker, agent, or other third party
21 fiduciary to submit for review or provide access to a lease or
22 related document to determine the number of unrelated occupants of
23 a dwelling unit for the purpose of enforcing a dwelling unit
24 occupancy requirement.

25 Sec. 211.056. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS
26 AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a
27 property owner from enforcing rules or deed restrictions imposed by

1 a property owners' association or by other private agreement.

2 Sec. 211.057. PROPERTY OWNER ACTION. (a) A property owner
3 in a municipality that violates this subchapter may bring an action
4 against the municipality for damages incurred due to the violation
5 and for appropriate equitable relief.

6 (b) Governmental immunity of the municipality to suit and
7 from liability is waived to the extent of liability created by this
8 section.

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

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