

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

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) Except as provided by Subsection (b), 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

a certain degree of affinity or consanguinity.

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

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

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

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

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

(2) a fire code;

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

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

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

Sec. 211.056. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a 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.