

1-1 By: Bettencourt, Eckhardt S.B. No. 1567
1-2 (In the Senate - Filed February 24, 2025; March 6, 2025,
1-3 read first time and referred to Committee on Local Government;
1-4 March 25, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 25, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Bettencourt	X			
1-10	Middleton	X			
1-11	Cook	X			
1-12	Gutierrez	X			
1-13	Nichols	X			
1-14	Paxton	X			
1-15	West	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1567 By: Bettencourt

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the authority of home-rule municipalities to regulate
1-20 the occupancy of dwelling units.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 211, Local Government Code, is amended
1-23 by adding Subchapter D to read as follows:

1-24 SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS RELATED TO OCCUPANCY
1-25 IN CERTAIN MUNICIPALITIES

1-26 Sec. 211.051. DEFINITIONS. In this subchapter:

1-27 (1) "Dwelling unit" means a house, apartment unit, or
1-28 any unit in a multiunit residential structure. The term does not
1-29 include a unit in a hotel, motel, or other establishment in which
1-30 more than half of the units are intended to be used for transient
1-31 accommodations.

1-32 (2) "University" means an institution of higher
1-33 education, as defined by Section 61.003, Education Code.

1-34 Sec. 211.052. APPLICABILITY. This subchapter applies only
1-35 to a home-rule municipality in which a university campus is
1-36 located.

1-37 Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS. (a)
1-38 Except as provided by Subsection (b), a municipality may not adopt
1-39 or enforce a zoning ordinance, rule, or other regulation that
1-40 limits the number of people who may occupy a dwelling unit based on:

- 1-41 (1) age;
1-42 (2) familial status;
1-43 (3) occupation;
1-44 (4) relationship status; or
1-45 (5) whether the occupants are related to each other by
1-46 a certain degree of affinity or consanguinity.

1-47 (b) A municipality may impose a limit on the number of
1-48 occupants of a dwelling unit that is not more restrictive than:

- 1-49 (1) one occupant per sleeping room with a minimum
1-50 floor area of 70 square feet; and
1-51 (2) one additional occupant for each additional 50
1-52 square feet of floor area in the same sleeping room.

1-53 Sec. 211.054. NO EFFECT ON OTHER ZONING AUTHORITY. This
1-54 subchapter does not prohibit a municipality from imposing a limit
1-55 on the number of people who may occupy a dwelling unit based on
1-56 health and safety standards contained in:

- 1-57 (1) a building code as adopted under Subchapter G,
1-58 Chapter 214;
1-59 (2) a fire code;
1-60 (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 a property owners' association or by other private agreement.

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

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

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

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

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