



## Support the Personal Gardens Protection Bill CSHB 1686 & SB 1062 *Provide Home Food Security for Texans*

Growing numbers of Texans want to raise food for themselves, for the health of their families and the pleasure of gardening. Growing a home garden has numerous benefits:

- accessing high-quality, fresh, nutritious food;
- reducing and stabilizing families' food bills; and
- providing physical and mental health benefits from growing plants and caring for animals.

Unfortunately, some cities and homeowners' associations (HOAs) limit or completely prevent Texans from exercising their rights to raise food for themselves. Reasonable restrictions make sense, but bans do not.

CSHB1686 / SB 1062 would prevent cities and HOAs from prohibiting their residents from having gardens, 6 chickens, or 6 rabbits, while specifically allowing reasonable restrictions such as banning roosters or requiring safe distances from neighbors' residences.

In the last session, SB 86 would have addressed this issue with respect to backyard poultry. It passed the Senate by a vote of 29-2 and was unanimously approved by the House Agriculture Committee, but was not scheduled for a vote by the House Calendars Committee.

Since that time, **the COVID-19 pandemic has given new urgency to this issue.** Our dominant food production system has proven to be both fragile and subject to disruption in a crisis.

- Grocery store shelves went empty as the conventional food system was unable to adapt to new distribution needs.
- Food prices spiked, with continuing higher prices and sometimes limited availability.
- Food Bank lines have been staggeringly long, making news worldwide.
- Unemployment rates remain high, hampering Texans' ability to provide for their families.

CSHB 1686/ SB 1062 protect people's right to raise for themselves while also allowing cities and HOAs to craft policies that protect neighbors' interests. Many of the concerns raised by opponents are addressed in the committee substitute; please see the back for details.

Passing the Personal Gardens Protection bill will assure Texas families have the means, if they desire, to produce healthy food at home. This means greater food security for Texans.

CSHB 1686 / SB 1062 are supported by the Food Policy Council of San Antonio, Farm & Ranch Freedom Alliance, Texas Local Food and Farm Coalition, Texas Organic Farmers & Gardeners Association, GROW North Texas, and Grow Local South Texas.

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The Committee Substitute for HB 1686 makes numerous changes to address concerns raised by cities and HOAs.

Note that many of these provisions are simply specifying actions that would have been allowed under the filed bill's provisions for "reasonable restrictions." By specifying these provisions, the committee substitute provides greater clarity and certainty for all stakeholders.

- Provisions that explicitly allow more restrictions, specifically allowing cities or HOAs to:
  - Require minimum space available for animals, based on 1.5 times the amount recommended by the Texas Extension Service (for rabbits) and the US Poultry Extension (for chickens);
  - Require fencing or shelter sufficient to contain the chicken or rabbits on the owners' property;
  - Require that sanitation be addressed in a manner that prevents the accumulation of animal waste in a quantity sufficient to create an offensive odor or pest problem;
  - Require that a garden visible from the street, common areas, or adjacent yards be well-maintained; and
  - Ban invasive plants.
- A provision that the bill does not apply to condominiums.
- Adding a cumulative cap on the number of animals at 8 (for example, 4 chickens and 4 rabbits).
- Additional provisions for HOAs:
  - A provision that the HOA does not have to allow gardens, fowl, or rabbits on property owned by the HOA or owned in common by the members of the HOA.
  - A provision allowing the HOA to regulate the size and shielding of, or the materials used in the construction of, animal shelters that are located where they are visible from the street, another lot, or a common area.
  - Allowing HOAs to restrict signage and address potential traffic issues with cottage food operations

The Committee Substitute also **removes beehives** from the bill.

These provisions preserve the ability of Texas residents to address their household food security and healthy food access, while addressing the concerns expressed by cities and HOAs.