



FARM & RANCH  
FREEDOM ALLIANCE

## **Support HB 92 and HB 276** ***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.

HB 276 by Representative Cortez 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.

HB 92 by Representative Landgraf contains the same provisions regarding raising food, and also adds provisions that ensure that Texans are able to provide for their basic water and energy needs as well. As filed, it only applies to homeowners, and FARFA urges that it be broadened to protect all residents' rights.

Last session, HB 1686 passed the House by a vote of 143-1, but then died in the Senate.

The combination of food shortages, first during COVID-19 and now due to avian influenza, combined with skyrocketing food prices, **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 continue to go empty, and stores are placing limitations on how many eggs Texans can buy.
- Food prices continue to rise at alarming rates.
- Food Bank lines have been staggeringly long.

HB 276 and HB 92 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; please see the back for details.

Passing HB 276 and HB 92 will assure Texas families have the means, if they desire, to produce healthy food at home. This means greater food security for Texans.

A narrower bill has also been filed: HB 1191/ SB 326 address only the issue of backyard chickens. FARFA supports this bill, but believes that HB 92 and HB 276 better protect individuals' rights while still addressing legitimate concerns.

HB 276 is the same bill that passed the House last session as HB 1686. It includes numerous provisions to address concerns raised by cities and HOAs. HB 92 contains the same provisions with respect to the protections for home food production.

Note that many of these provisions are simply specifying actions that would have been allowed under the bill's provisions for "reasonable restrictions." By specifying these provisions, the bill 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.
- 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

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.

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