

## SHHOA Rules & Regulations for Allowing Chickens in our Community

### Amendment to Rules & Regulations: Permitted Animals

#### 1. Authorization of chickens

Notwithstanding any general prohibition on "livestock," "poultry," or "farm animals" elsewhere in the Covenants, Conditions, and Restrictions (CC&Rs), the keeping of chickens is permitted on residential lots subject to the following regulations.

- **Quantity:** No more than **twelve (12) chickens** may be kept on any single residential lot. Roosters are allowed within the total limit. Noise ordinance may apply.
- **Personal Use Only:** Chickens must be kept for personal use. The commercial sale of eggs, meat, or feathers is prohibited. No signage related to the sale of poultry products may be displayed.

#### 2. Prohibited Birds

- **Other Fowl:** Turkeys, geese, ducks, peacocks, and other poultry remain classified as prohibited livestock due to noise, odor, larger size and waste hazard concerns.

#### 3. Enclosure & Structure Standards (ARC Approval Required)

All chicken coops and runs are considered "ancillary structures" and require written approval from the **Architectural Review Committee (ARC)** (via a permit) prior to installation.

- **Location:** Coops must be located in the rear yard and set back at least **10 feet** from all property lines.
- **Visibility:** Every attempt shall be made to ensure coops are screened from the view of the street and neighboring properties by a solid fence or approved landscaping. If visible, they must be presentable and aligned with building materials and color of home. Otherwise, a solid fence shall be used to obscure coop from street view. Coop and fence are subject to ARC permitting guidelines.
- **Aesthetics:** To maintain community harmony, coops should utilize materials and colors that are complementary to the primary residence.
- **Containment:** Hens / roosters must be confined to a secure coop or enclosed run at all times. They are not permitted to roam "at large" or enter common areas or neighboring lots.

#### 4. Sanitation & Nuisance Control

- **Odors & Waste:** Owners must maintain the coop in a clean, sanitary condition. Manure must be managed to prevent offensive odors detectable from neighboring properties.
- **Pest Control:** Feed must be stored in rodent-proof, airtight containers to prevent attracting pests, coyotes, or other wildlife.
- **Noise:** While chickens are permitted, they remain subject to general nuisance clauses if they create persistent noise that disturbs the quiet enjoyment of neighbors.

#### 5. Compliance with Texas Law

- **Humane Treatment:** Owners must comply with **Texas Penal Code § 42.09**, providing necessary food, water, and care. Any evidence of animal cruelty, abandonment, or illegal activities (such as cockfighting) will be reported to Hood County Animal Services and may result in the immediate revocation of the right to keep chickens.
- **Texas Law:** Should Texas State Law differ from these rules (e.g., regarding lot size setbacks), the more restrictive rule shall apply.

## Background and Education

### **What does the SHHOA Board & Community need to know about chickens etc. concerning Texas Law, HOA Deed Restrictions or Rules & Regulations?**

When reviewing HOA deed restrictions regarding chickens, you need to look for specific language in the Covenants, Conditions, and Restrictions (CC&Rs) that defines what animals are allowed on the property. Even if your city or county allows backyard chickens, an HOA's governing documents can be more restrictive and legally prohibit them entirely.

#### 1. Key Language in Deed Restrictions

HOA boards often regulate chickens through the following common restriction types:

- Species & Livestock Bans: Many older or standard CC&Rs explicitly ban "livestock," "poultry," or "farm animals". (NOTE: SHHOA does this; Some Sections also allow horses)
- Pet Definitions: Some documents limit residents to "common household pets" (usually defined as dogs, cats, or birds kept indoors). If chickens aren't explicitly listed, they are often considered prohibited livestock.
- Commercial Use: Most HOAs strictly prohibit any animal kept for commercial purposes, meaning you cannot sell the eggs or meat. (NOTE: SHHOA typically has limits for commercial purposes)
- Nuisance Clauses: Even if chickens aren't banned by name, they can be restricted under general "nuisance" rules if they create excessive noise, odors, or attract pests like rodents or coyotes.

#### 2. Common Operational Regulations

If an HOA does allow chickens, they typically impose "reasonable regulations" such as:

- No Roosters: Most communities ban roosters due to noise concerns; hens are much quieter (~60 db vs 130 db) and do not need a rooster to lay eggs.
- Quantity Limits: Restrictions often limit owners to a small number, such as six or fewer hens.
- Structure Standards: Chicken coops are often treated as "outbuildings" or "ancillary structures." They may require Architectural Review Committee (ARC) approval for size, material, color, and location.

- Visibility: Many require coops to be screened from street view or neighboring yards.
- Setbacks: Coops often must be a specific distance (e.g., 10–50 feet) from property lines or neighboring houses.
- Materials: Some HOAs require the coop to match the color or materials of your main house.

### 3. Legal Considerations & Recent Changes (Texas Example)

Laws regarding HOA authority over chickens are evolving. For example:

- New Legislation: In Texas, HB 2013 (taking effect September 1, 2025) prohibits HOAs from banning chickens if local municipal ordinances allow them, though this may only apply to restrictive covenants created after certain dates.
- Reasonable Accommodations: Under the Fair Housing Act, an HOA may be required to allow chickens if they are documented as assistance or emotional support animals for a person with a disability, though this is a complex legal process.

What are the Texas laws for treatment of chickens?

Texas laws regarding the treatment of chickens are primarily found in the state's animal cruelty statutes, which classify chickens as "livestock" for legal purposes. While Texas does not have a single "Poultry Welfare Act," it enforces strict criminal penalties for neglect or abuse through the Texas Penal Code.

#### 1. Criminal Cruelty Standards

Under Texas Penal Code § 42.09 ("Cruelty to Livestock Animals"), it is an offense to intentionally or knowingly mistreat chickens in the following ways:

- Failure to Provide Necessities: Owners must provide "necessary food, water, or care" required to maintain the animal in a state of good health.
- Cruel Confinement: It is illegal to transport or confine a chicken in a "cruel manner" that causes unjustified pain or suffering.
- Torture and Poisoning: Any act that causes unjustifiable pain or the unauthorized poisoning of another person's poultry is a state jail felony.

- Abandonment: Leaving chickens without making reasonable arrangements for their care is a criminal offense.

## 2. Illegal Activities & Displays

- Cockfighting: It is a state jail felony in Texas to cause a cock to fight another cock, participate in the earnings of a cockfight, or use property for cockfighting.
- Dyeing/Coloring: Many local Texas ordinances specifically prohibit the dyeing or artificial coloring of baby chicks for sale or as giveaways.
- Public Sales: It is often illegal to sell or display live chickens on public roadsides, parking lots, or flea markets without specific licensing.

## 3. Sanitation and Public Health

While these focus on human health, they dictate how chickens must be treated and housed:

- Containment: Most municipal laws require fowl to be kept in secure coops or pens to prevent them from running "at large".
- Nuisance Prevention: Owners are legally required to manage manure and odors. Failure to keep coops clean can lead to "nuisance" charges under local health and safety codes.
- Slaughter Regulations: If raising chickens for food, the Texas Meat and Poultry Inspection Act requires they be slaughtered under sanitary conditions.

## 4. Penalties for Violations

- Class A Misdemeanor: For neglect, abandonment, or cruel transport (up to 1 year in jail and/or a \$4,000 fine).
- State Jail Felony: For torture, poisoning, or repeat cruelty offenses (180 days to 2 years in jail and/or up to a \$10,000 fine).

As an example, what are the rules for chickens in Arlington Texas?

In [Arlington, Texas](#), the rules for keeping chickens are primarily determined by your **lot size** and the **number of birds** you intend to keep. While the city allows backyard hens, **roosters are strictly prohibited** in residential areas.

### **Flock Size & Location Requirements**

The City of Arlington uses a tiered system to regulate where coops can be placed based on flock size:

- **1 to 4 Chickens:**
  - No specific lot size or distance-from-house restrictions.
  - Birds must simply be **confined to your property**.
- **5 to 10 Chickens:**
  - Lot size must be **less than 0.5 acres**.
  - The coop must be located **50 feet or more** from the nearest neighboring house.
- **10 to 25 Chickens:**
  - Lot size must be **more than 0.5 acres**.
  - The coop must be located **50 feet or more** from the nearest neighboring house.
- **26+ Chickens:**
  - Lot size must be **more than 1 acre**.
  - The coop must be located **50 feet or more** from the nearest neighboring house.

### General Rules & Prohibitions

- **No Roosters:** Roosters are only allowed in areas specifically zoned as agricultural.
- **Confinement:** All fowl must be kept in a coop or pen; they are not allowed to run "at large".
- **Sanitation:** Owners are legally required to keep premises clean. Accumulation of manure that causes offensive odors detectable on neighboring properties is considered a **public nuisance** and is prohibited.
- **Predator Protection:** While not a city law, local keepers recommend using **hardware cloth** rather than chicken wire, as local predators like raccoons and possums can easily bypass standard wire.

### HOA vs. City Rules

It is critical to remember that your **Homeowners Association (HOA)** can have rules that are **more restrictive** than the city's. If your HOA CC&Rs ban chickens, they can legally enforce that ban even though Arlington city code allows up to four hens on a standard lot.

**Typical SHHOA Deed Restriction (if applicable) :**

- A. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.