

Texas Property Code

§ 92.010

Occupancy Limits

- (a)** Except as provided by Subsection (b), the maximum number of adults that a landlord may allow to occupy a dwelling is three times the number of bedrooms in the dwelling.
- (b)** A landlord may allow an occupancy rate of more than three adult tenants per bedroom:
 - (1)** to the extent that the landlord is required by a state or federal fair housing law to allow a higher occupancy rate; or
 - (2)** if an adult whose occupancy causes a violation of Subsection (a) is seeking temporary sanctuary from family violence, as defined by Section 71.004 (Family Violence), Family Code, for a period that does not exceed one month.
- (c)** An individual who owns or leases a dwelling within 3,000 feet of a dwelling as to which a landlord has violated this section, or a governmental entity or civic association acting on behalf of the individual, may file suit against a landlord to enjoin the violation. A party who prevails in a suit under this subsection may recover court costs and reasonable attorney's fees from the other party. In addition to court costs and reasonable attorney's fees, a plaintiff who prevails under this subsection may recover from the landlord \$500 for each violation of this section.
- (d)** In this section:
 - (1)** "Adult" means an individual 18 years of age or older.
 - (2)** "Bedroom" means an area of a dwelling intended as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, or closet or storage area of a dwelling.

Added by Acts 1993, 73rd Leg., ch. 937, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 7.002(o), eff. Sept. 1, 2003.

Location: https://texas.public.law/statutes/tex._prop._code_section_92.010.

Original Source: Texas Legislature Online, § 92.010 — *Occupancy Limits*, <http://www.statutes.legis.state.tx.us/Docs/PR/htm/PR.92.htm#92.010> (last accessed Feb. 25, 2021).