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DISTRICT 25

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**Sen. Donna Campbell Requests Attorney General Opinion  
on the Constitutionality of Municipal Tree Ordinances**

AUSTIN – Continuing her campaign to protect property owners in Texas, State Senator Donna Campbell sent an official letter to the Attorney General requesting an opinion on the constitutionality of tree ordinances such as the one currently being enforced in Austin.

"There is no right more fundamental to a free society than the right to private property," Senator Campbell stated. "When cities place unreasonable restrictions on privately owned land, they are in essence physically taking that land out of the owner's use and creating a permanent physical invasion that denies the owner's right to use their land as they see fit. This would seem to be unconstitutional and a violation of rights guaranteed by Texas law. For this reason, I am seeking an Attorney General opinion regarding the constitutionality of certain tree ordinances."

During the legislative session, Senator Campbell authored Senate Bill 782, which would clarify the rights of property owners to remove, trim, cut, and replace trees while restricting municipalities from enforcing costly mitigation fees. In addition, the bill would prohibit cities from enforcing tree ordinances on private property outside the city limits but inside their extraterritorial jurisdiction.

In his recent call for a special session, Governor Abbott included tree ordinances and preventing cities from regulating what private property owners can do with their trees as part of his 20-item agenda. Property rights proponents have long pointed out that the cost of removing or preserving trees under many local ordinances can make improvements to existing homes difficult and housing unaffordable.

"City tree ordinances are some of the most egregious examples of property rights violations in our state, affecting millions of property owners in Texas. We must ensure that city bureaucrats and central planners are not infringing on local citizens' liberty," Senator Campbell stated.

The full text of Senator Campbell's letter can be read in the attached document.

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