

By: Wilson

H.B. No. 4431

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of structured sober living homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 229, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STRUCTURED SOBER LIVING HOMES

Sec. 229.151. DEFINITION OF STRUCTURED SOBER LIVING HOME.

(a) In this subchapter, "structured sober living home" means a program in which a person:

(1) provides alcohol-free or drug-free housing;

(2) promotes independent living and life skills development; and

(3) provides structured activities for recovery from substance abuse disorders in a supervised setting to a group of unrelated individuals who are:

(A) recovering from alcohol or drug addiction;

and

(B) receiving outpatient behavioral health services for substance abuse or addiction treatment while residing in the program's home.

(b) The term "structured sober living home" does not include a person who requires a related family member to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the person's

1 residence.

2 Sec. 229.152. REGULATION OF STRUCTURED SOBER LIVING HOMES.

3 (a) A municipality by ordinance may adopt standards for structured
4 sober living homes that comply with state and federal fair housing
5 laws and the Americans with Disabilities Act of 1990 (42 U.S.C.
6 Section 12101 et seq.).

7 (b) Standards adopted under Subsection (a) may require
8 structured sober living homes to:

9 (1) provide written notice to residents and potential
10 residents that includes:

11 (A) the name and address of the property in which
12 the home is operated; and

13 (B) for the property in which the home is
14 operated:

15 (i) the property owner's name, address, and
16 telephone number; and

17 (ii) if the property is leased, a copy of
18 the lease that states that the property is to be used as a
19 structured sober living home;

20 (2) supervise residents during all hours of operation;
21 and

22 (3) establish and maintain an operation plan to:

23 (A) facilitate the rehabilitative process,
24 including discharge planning;

25 (B) address the maintenance of the property in
26 which the home is operated; and

27 (C) comply with municipal noise abatement

1 requirements.

2 (c) A municipality may exempt a structured sober living home
3 from the standards adopted under this section if the home is subject
4 to adequate oversight by another governmental entity or contractor.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.