

## **BILL ANALYSIS**

C.S.H.B. 1270  
By: Phillips  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, private entities are authorized to build a facility that houses individuals placed on parole or mandatory supervision in an unincorporated area of a county with limited ability of local authorities and their constituents to regulate the placement or operation of such a facility. Such facilities are commonly referred to as halfway houses.

C.S.H.B. 1270 defines "halfway house" and authorizes the commissioners court of a county to adopt by order regulations regarding halfway houses applicable only to an unincorporated area of the county.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1270 amends the Local Government Code to authorize the commissioners court of a county by order to adopt regulations regarding halfway houses as the commissioners court considers necessary to promote the public health, safety, and welfare, and makes such a regulation applicable only to the unincorporated area of the county. The bill authorizes the location of a halfway house to be restricted to particular areas or prohibited within a certain distance of a school, regular place of religious worship, residential neighborhood, or other specified land use the commissioners court finds to be inconsistent with the operation of a halfway house. The bill authorizes the commissioners court to restrict the density of halfway houses.

C.S.H.B. 1270 authorizes a commissioners court to require that an owner or operator of a halfway house obtain a license or other permit or renew a license or other permit on a periodic basis for the operation of a halfway house. The bill requires an application for a license or other permit to be made in accordance with the regulations adopted by the commissioners court and authorizes the regulations to provide for the denial, suspension, or revocation of a license or other permit issued by the county. The bill establishes that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit issued by a county.

C.S.H.B. 1270 requires an applicant for a license or permit, not later than the 60th day before the date the application is filed, to publish in a newspaper of general circulation in the county a notice of the applicant's intent to establish a halfway house in the county, name and business address of the applicant, and the proposed location of the halfway house, and to prominently post an outdoor sign at the location stating that a halfway house is intended to be located on the premises and providing the name and business address of the applicant. The bill sets forth requirements for the sign.

C.S.H.B. 1270 authorizes a county to inspect a halfway house to determine compliance with these provisions and regulations adopted under these provisions. The bill authorizes a commissioners court by order to impose fees on applicants for a license or other permit or for the renewal of the license or other permit and requires the fees to be based on the cost of processing the applications and investigating the applicants.

C.S.H.B. 1270 authorizes a county to sue in the district court for an injunction to prohibit the violation of a regulation adopted by the commissioners court relating to halfway houses. The bill makes it a Class A misdemeanor to violate a regulation relating to halfway houses adopted by the commissioners court.

C.S.H.B. 1270 defines "halfway house" to mean a residential facility that is independently operated by a private entity, including a nonprofit organization; is not operated under contract with an agency or political subdivision of Texas; is not a licensed chemical dependency treatment facility under the Health and Safety Code; and is operated for the purpose of housing two or more individuals who are not related by consanguinity or affinity and who have been placed on community supervision, released on parole or to mandatory supervision, or placed on or released on or to the functional equivalent of community supervision, parole, or mandatory supervision under the laws of another state or federal law.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1270 differs from the original by specifying that the halfway house regulations adopted by the commissioners court of a county may be regulations considered by the commissioners court to be necessary to promote the public health, safety, or welfare.

C.S.H.B. 1270 adds provisions not in the original relating to the scope of the regulations, a commissioners court's authorization to issue a license or permit, the notice an applicant for a license or permit is required to post, a county's authorization to inspect a halfway house, a commissioners court's authorization to impose fees, a county's authorization to enforce a regulation, and providing a penalty.

C.S.H.B. 1270 differs from the original by excluding a residential facility that is not a licensed chemical dependency treatment facility licensed under the Health and Safety Code from the definition of "halfway house."