

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 17, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1270 by Phillips (Relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would add Subchapter Y to Chapter 240, Local Government Code, to authorize a county commissioners court by order to adopt regulations regarding halfway houses in an unincorporated area of the county. The bill would stipulate the scope of regulations. A county commissioners court would be authorized to require an owner or operator of a halfway house to obtain a license or other permit or renew a license or other permit on a periodic basis. A district court would have jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit issued by the county. The county would be authorized to impose a fee on applicants for a license or other permit to cover costs of processing the application and investigating the applicants.

A county would be authorized to inspect a halfway house to determine compliance with the county's adopted regulations.

A county would be authorized to sue in district court for an injunction to prohibit the violation of a county adopted regulation. A person who violates the county's regulations would commit a Class A misdemeanor.

Under the definition of halfway house in the bill, provisions of the bill would not apply to a residential facility operated under contract with an agency or political subdivision of the state.

No significant fiscal impact is anticipated from fines and court costs resulting from the commission of a Class A misdemeanor under provisions of the bill.

Local Government Impact

It is presumed that a county would adopt regulations that implementing could be absorbed within existing resources. It is also assumed that a county that adopts the regulations would impose a fee sufficient to offset costs related to processing applications and investigating applicants.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB