

By: Gallegos

S.B. No. 24

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to regulate the location of halfway houses; providing a penalty.

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

SECTION 1. Chapter 244, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. HALFWAY HOUSES

Sec. 244.041. DEFINITION. In this subchapter, "halfway house" means a residential facility that:

(1) is independently operated by a private entity, including a nonprofit organization;

(2) is not operated under contract with an agency or political subdivision of the state or an agency of the federal government;

(3) is not a chemical dependency treatment facility licensed under Chapter 464, Health and Safety Code; and

(4) is operated for the purpose of housing two or more individuals who are not related by consanguinity or affinity and who have been:

(A) placed on community supervision under Article 42.12, Code of Criminal Procedure;

(B) released on parole or to mandatory supervision under Chapter 508, Government Code; or

(C) placed on or released on or to the functional

1 equivalent of community supervision, parole, or mandatory  
2 supervision under the laws of another state or federal law.

3 Sec. 244.042. AUTHORITY TO REGULATE. (a) The governing body  
4 of a county or municipality, by order or ordinance, may adopt  
5 regulations regarding halfway houses as the governing body  
6 considers necessary to promote the public health, safety, or  
7 welfare.

8 (b) A regulation adopted by a county applies only to the  
9 unincorporated area of the county, and a regulation adopted by a  
10 municipality applies only to the incorporated area of the  
11 municipality.

12 Sec. 244.043. SCOPE OF REGULATION. (a) The location of a  
13 halfway house not in operation on September 1, 2011, may be:

- 14 (1) restricted to particular areas; or  
15 (2) prohibited within a certain distance of a school,  
16 regular place of religious worship, residential neighborhood, or  
17 other specified land use the governing body of a county or  
18 municipality finds to be inconsistent with the operation of a  
19 halfway house, provided that the prohibition does not include more  
20 than 50 percent of the unincorporated area of the county or the  
21 incorporated area of the municipality, as applicable.

22 (b) The governing body of a county or municipality may enact  
23 reasonable restrictions regarding the density of halfway houses.

24 Sec. 244.044. LICENSES OR PERMITS. (a) The governing body  
25 of a county or municipality may require that an owner or operator of  
26 a halfway house obtain a license or other permit or renew a license  
27 or other permit on a periodic basis for the operation of a halfway

1 house. An application for a license or other permit must be made in  
2 accordance with the regulations adopted under this subchapter.

3 (b) The regulations adopted under this subchapter may  
4 provide for the denial, suspension, or revocation of a license or  
5 other permit issued by the county or municipality.

6 (c) A district court has jurisdiction of a suit that arises  
7 from the denial, suspension, or revocation of a license or other  
8 permit issued by a county or municipality.

9 Sec. 244.045. NOTICE REQUIRED. (a) An applicant for a  
10 license or permit issued under Section 244.044 for a location not  
11 previously licensed or permitted shall, not later than the 60th day  
12 before the date the application is filed:

13 (1) publish in a newspaper of general circulation in  
14 the county or municipality a notice of the applicant's intent to  
15 establish a halfway house in the county or municipality, as  
16 applicable, the name and business address of the applicant, and the  
17 proposed location of the halfway house; and

18 (2) prominently post an outdoor sign at the location  
19 stating that a halfway house is intended to be located on the  
20 premises and providing the name and business address of the  
21 applicant.

22 (b) The sign must be at least 24 by 36 inches in size and  
23 must be written in lettering at least 2 inches in size. The county  
24 or municipality, as applicable, in which the halfway house is to be  
25 located may require the sign to be both in English and a language  
26 other than English if it is likely that a substantial number of the  
27 residents in the area speak a language other than English as their

1 familiar language.

2 Sec. 244.046. INSPECTION. A county or municipality, as  
3 applicable, may inspect a halfway house to determine compliance  
4 with this subchapter and regulations adopted under this subchapter.

5 Sec. 244.047. FEES. The governing body of a county or  
6 municipality by order may impose fees on applicants for a license or  
7 other permit issued under this subchapter or for the renewal of the  
8 license or other permit. The fees may not exceed the cost of  
9 processing the applications and investigating the applicants.

10 Sec. 244.048. ENFORCEMENT. (a) A county or municipality  
11 may sue in the district court for an injunction to prohibit the  
12 violation of a regulation adopted under this subchapter.

13 (b) A person commits an offense if the person violates a  
14 regulation adopted under this subchapter. An offense under this  
15 subsection is a Class A misdemeanor.

16 SECTION 2. This Act takes effect September 1, 2011, if this  
17 Act receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for effect on that  
20 date, this Act takes effect on the 91st day after the last day of the  
21 legislative session.