

BILL ANALYSIS

H.B. 230
By: Phillips
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, private entities can build a facility in an unincorporated area of a county to house individuals placed on parole or mandatory supervision with limited local regulation of the placement or operation of such a facility, commonly referred to as a halfway house. H.B. 230 defines halfway house and authorizes the commissioners court of a county to adopt regulations regarding halfway houses in unincorporated areas of a county. The regulations added by the bill are similar to those that authorize a county to regulate the placement of a sexually oriented business.

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

H.B. 230 amends the Local Government Code to authorize a county commissioners court by order to adopt regulations regarding halfway houses as it considers necessary to promote the public health, safety, or welfare and to make a regulation adopted by a county 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.

H.B. 230 authorizes the 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 under the bill's provisions. The bill authorizes such regulations to provide for the denial, suspension, or revocation of a license or other permit issued by the county. The bill specifies 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. The bill requires an applicant for a license or permit for a location not previously licensed or permitted, 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 requires the sign to be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The bill authorizes the county in which the halfway house is to be located to require the sign to be both in English and a language other than English if it is likely that a substantial number of the residents in the area speak a language other than English as their familiar language.

H.B. 230 authorizes a county to inspect a halfway house to determine compliance with the bill's

provisions and regulations adopted under such provisions. The bill authorizes the commissioners court by order to impose fees on applicants for a license or other permit issued under the bill's provisions or for the renewal of the license or other permit. The bill requires the fees to be based on the cost of processing the applications and investigating the applicants. The bill authorizes a county to sue in the district court for an injunction to prohibit the violation of a regulation adopted under the bill's provisions. The bill makes it a Class A misdemeanor to violate such a regulation.

H.B. 230 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 the state; is not a licensed chemical dependency treatment facility; 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 bill does not receive the necessary vote, September 1, 2011.