

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 230
By: Phillips (Gallegos)
Jurisprudence
5/21/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 230 amends current law to the authority of a county or municipality to regulate the location of halfway houses and provides a penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the governing body of a county or municipality in SECTION 1 (Section 244.042, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 244, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. HALFWAY HOUSES

Sec. 244.041. DEFINITION. Defines, in this subchapter, "halfway house."

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

(b) Provides that a regulation adopted by a county applies only to the unincorporated area of the county, and provides that a regulation adopted by a municipality applies only to the incorporated area of the municipality.

Sec. 244.043. SCOPE OF REGULATION. (a) 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 governing body of a county or municipality finds to be inconsistent with the operation of a halfway house.

(b) Authorizes the governing body of a county or municipality to restrict the density of halfway houses.

Sec. 244.044. LICENSES OR PERMITS. (a) Authorizes the governing body of a county or municipality 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. Requires that an application for a license or other permit be made in accordance with the regulations adopted under this subchapter.

(b) Authorizes the regulations adopted under this subchapter to provide for the denial, suspension, or revocation of a license or other permit issued by the county or municipality.

(c) Provides 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 or municipality.

Sec. 244.045. NOTICE REQUIRED. (a) Requires an applicant for a license or permit issued under Section 244.044 for a location not previously licensed or permitted to, not later than the 60th day before the date the application is filed publish in a newspaper of general circulation in the county or municipality a notice of the applicant's intent to establish a halfway house in the county or municipality, as applicable, the name and business address of the applicant, and the proposed location of the halfway house, and 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.

(b) Sets forth the requirements of the outdoor sign.

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

Sec. 244.047. FEES. Authorizes the governing body of a county or municipality by order to impose fees on applicants for a license or other permit issued under this subchapter or for the renewal of the license or other permit. Requires that the fees be based on the cost of processing the applications and investigating the applicants.

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

(b) Provides that a person commits an offense if the person violates a regulation adopted under this subchapter. Provides that an offense under this subsection is a Class A misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2011.