

By: Phillips

H.B. No. 230

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county; providing a penalty.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter Y to read as follows:

SUBCHAPTER Y. REGULATION OF HALFWAY HOUSES

Sec. 240.851. 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

1           (C) placed on or released on or to the functional  
2 equivalent of community supervision, parole, or mandatory  
3 supervision under the laws of another state or federal law.

4           Sec. 240.852. AUTHORITY TO REGULATE. (a) The  
5 commissioners court of a county by order may adopt regulations  
6 regarding halfway houses as the commissioners court considers  
7 necessary to promote the public health, safety, or welfare.

8           (b) A regulation adopted by a county applies only to the  
9 unincorporated area of the county.

10          Sec. 240.853. SCOPE OF REGULATION. (a) The location of a  
11 halfway house may be:

12           (1) restricted to particular areas; or

13           (2) prohibited within a certain distance of a school,  
14 regular place of religious worship, residential neighborhood, or  
15 other specified land use the commissioners court finds to be  
16 inconsistent with the operation of a halfway house.

17          (b) The commissioners court may restrict the density of  
18 halfway houses.

19          Sec. 240.854. LICENSES OR PERMITS. (a) The commissioners  
20 court may require that an owner or operator of a halfway house  
21 obtain a license or other permit or renew a license or other permit  
22 on a periodic basis for the operation of a halfway house. An  
23 application for a license or other permit must be made in accordance  
24 with the regulations adopted under this subchapter.

25          (b) The regulations adopted under this subchapter may  
26 provide for the denial, suspension, or revocation of a license or  
27 other permit issued by the county.

1       (c) A district court has jurisdiction of a suit that arises  
2 from the denial, suspension, or revocation of a license or other  
3 permit issued by a county.

4       Sec. 240.855. NOTICE REQUIRED. (a) An applicant for a  
5 license or permit issued under Section 240.854 for a location not  
6 previously licensed or permitted shall, not later than the 60th day  
7 before the date the application is filed:

8           (1) publish in a newspaper of general circulation in  
9 the county a notice of the applicant's intent to establish a halfway  
10 house in the county, name and business address of the applicant, and  
11 the proposed location of the halfway house; and

12           (2) prominently post an outdoor sign at the location  
13 stating that a halfway house is intended to be located on the  
14 premises and providing the name and business address of the  
15 applicant.

16       (b) The sign must be at least 24 by 36 inches in size and  
17 must be written in lettering at least 2 inches in size. The county  
18 in which the halfway house is to be located may require the sign to  
19 be both in English and a language other than English if it is likely  
20 that a substantial number of the residents in the area speak a  
21 language other than English as their familiar language.

22       Sec. 240.856. INSPECTION. A county may inspect a halfway  
23 house to determine compliance with this subchapter and regulations  
24 adopted under this subchapter.

25       Sec. 240.857. FEES. The commissioners court by order may  
26 impose fees on applicants for a license or other permit issued under  
27 this subchapter or for the renewal of the license or other permit.

1 The fees must be based on the cost of processing the applications  
2 and investigating the applicants.

3 Sec. 240.858. ENFORCEMENT. (a) A county may sue in the  
4 district court for an injunction to prohibit the violation of a  
5 regulation adopted under this subchapter.

6 (b) A person commits an offense if the person violates a  
7 regulation adopted under this subchapter. An offense under this  
8 subsection is a Class A misdemeanor.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2011.