

By: Phillips

H.B. No. 230

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county to regulate the location of
3 halfway houses in the unincorporated areas of the county; providing
4 a penalty.

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

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

8 SUBCHAPTER Y. REGULATION OF HALFWAY HOUSES

9 Sec. 240.851. DEFINITION. In this subchapter, "halfway
10 house" means a residential facility that:

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

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

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

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

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

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

24 (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. 240.852. AUTHORITY TO REGULATE. (a) The
4 commissioners court of a county by order may adopt regulations
5 regarding halfway houses as the commissioners court considers
6 necessary to promote the public health, safety, or welfare.

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

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

11 (1) restricted to particular areas; or

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

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

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

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

27 (c) A district court has jurisdiction of a suit that arises

1 from the denial, suspension, or revocation of a license or other
2 permit issued by a county.

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

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

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

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

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

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

1 and investigating the applicants.

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

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

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