

By: Phillips

H.B. No. 640

Substitute the following for H.B. No. 640:

By: Biedermann

C.S.H.B. No. 640

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a county or municipality to regulate
3 the location of halfway houses; creating an offense.

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

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

7 SUBCHAPTER C. HALFWAY HOUSES

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

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

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

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 Chapter 42A, 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. 244.042. AUTHORITY TO REGULATE. (a) The governing
4 body of a county or municipality, by order or ordinance, may adopt
5 regulations regarding the location of halfway houses as the
6 governing body considers necessary to promote the public health,
7 safety, or welfare.

8 (b) A regulation adopted by a county applies only to the
9 unincorporated area of the county. A regulation adopted by a
10 municipality applies only within the corporate boundaries of the
11 municipality.

12 Sec. 244.043. SCOPE OF REGULATION. (a) The location of a
13 halfway house may be:

14 (1) restricted to particular areas; or
15 (2) prohibited within a certain distance of a school,
16 residential neighborhood, or other specified land use the governing
17 body of a county or municipality finds to be inconsistent with the
18 operation of a halfway house.

19 (b) The governing body of a county or municipality may
20 restrict the density of halfway houses.

21 Sec. 244.044. NOTICE REQUIRED. (a) Not later than the 60th
22 day before the date a facility begins operations as a halfway house,
23 the owner or operator of the facility shall provide written notice
24 to:

25 (1) the mayor and the chief law enforcement officer of
26 the municipality, if the proposed location of the halfway house is
27 within the corporate boundaries of the municipality; or

1 (2) the county judge and the chief law enforcement
2 officer of the county, if the proposed location of the halfway house
3 is in an unincorporated area of the county.

4 (b) The notice required under Subsection (a) must include:

- 5 (1) the name and business address of the owner or
6 operator;
7 (2) the proposed location of the halfway house; and
8 (3) the maximum number of residents of the proposed
9 halfway house.

10 Sec. 244.045. 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 immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2017.