

By: Phillips

H.B. No. 640

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to regulate the location of halfway houses; providing a criminal penalty.

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

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

SUBCHAPTER C. HALFWAY HOUSES

Sec. 244.041. 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 Chapter 42A, Code of Criminal Procedure;

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

(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 regular place of religious worship, residential neighborhood, or  
17 other specified land use the governing body of a county or  
18 municipality finds to be inconsistent with the operation of a  
19 halfway house.

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

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

- 26 (1) the mayor and the chief law enforcement officer of  
27 the municipality, if the proposed location of the halfway house is

1 within the corporate boundaries of the municipality; or  
2 (2) the county judge and the chief law enforcement  
3 officer of the county, if the proposed location of the halfway house  
4 is in an unincorporated area of the county.

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

6 (1) the name and business address of the owner or  
7 operator;

8 (2) the proposed location of the halfway house; and

9 (3) the maximum number of residents of the proposed  
10 halfway house.

11 Sec. 244.045. ENFORCEMENT. (a) A county or municipality  
12 may sue in the district court for an injunction to prohibit the  
13 violation of a regulation adopted under this subchapter.

14 (b) A person commits an offense if the person violates a  
15 regulation adopted under this subchapter. An offense under this  
16 subsection is a Class A misdemeanor.

17 SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2017.