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By:  Murr H.B. No. 3969

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of structured sober living homes.

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

SECTION 1.  Chapter 229, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. STRUCTURED SOBER LIVING HOMES

Sec. 229.151.  DEFINITION OF STRUCTURED SOBER LIVING HOME. (a) In this subchapter, "structured sober living home" means a program in which a person:

(1)  provides alcohol-free or drug-free housing;

(2)  promotes independent living and life skills development; and

(3)  provides structured activities for recovery from substance abuse disorders in a supervised setting to a group of unrelated individuals who are:

(A)  recovering from alcohol or drug addiction; and

(B)  receiving outpatient behavioral health services for substance abuse or addiction treatment while residing in the program's home.

(b)  The term "structured sober living home" does not include a person who requires a related family member to receive outpatient behavioral health services for substance abuse or addiction treatment as a condition of continuing to reside in the person's residence.

Sec. 229.152.  REGULATION OF STRUCTURED SOBER LIVING HOMES. (a) A municipality by ordinance may adopt standards for structured sober living homes that comply with state and federal fair housing laws and the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(b)  Standards adopted under Subsection (a) may require structured sober living homes to:

(1)  provide written notice to residents and potential residents that includes:

(A)  the name and address of the property in which the home is operated; and

(B)  for the property in which the home is operated:

(i)  the property owner's name, address, and telephone number; and

(ii)  if the property is leased, a copy of the lease that states that the property is to be used as a structured sober living home;

(2)  supervise residents during all hours of operation; and

(3)  establish and maintain an operation plan to:

(A)  facilitate the rehabilitative process, including discharge planning;

(B)  address the maintenance of the property in which the home is operated; and

(C)  comply with municipal noise abatement requirements.

(c)  A municipality may exempt a structured sober living home from the standards adopted under this section if the home is subject to adequate oversight by another governmental entity or contractor.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.