

BILL ANALYSIS

H.B. 2405
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Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Federal law bars land use regulations that impose a substantial burden on religious exercise. The U.S. Department of Justice has determined that the free exercise of religion includes using land owned by a religious organization for housing the homeless. This issue arose in Minnesota when the City of St. Paul attempted to block a church from using its land to provide housing to homeless individuals through a land use restriction. The actions of the city were challenged, and ultimately, the parties settled, but concerns have been raised that such a situation could arise again. There have been calls to proactively prevent such litigation from ever having to occur in Texas. H.B. 2405 seeks to address this issue by prohibiting a municipal zoning or land use ordinance from preventing a religious organization from using the religious organization's facility as housing for homeless individuals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2405 amends the Local Government Code to prohibit a municipal zoning or land use ordinance from prohibiting a religious organization from doing the following:

- using the religious organization's facility as housing for homeless individuals; or
- having housing units on the organization's property for homeless individuals.

The bill specifies that the term "homeless individual" includes any individual in need of housing assistance and provides for the meaning of "religious organization" by reference to its definition under provisions relating to faith-based chemical dependency treatment programs.

H.B. 2405 authorizes a municipality to adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization's property. The bill authorizes a municipality to require a religious organization that provides housing for homeless individuals on the organization's property to provide the following:

- electricity and heat for each housing unit; and
- at least one kitchen and bathroom on the property that may be used by the individuals.

The bill excludes from the term "housing," for purposes of these provisions, temporary housing provided during a life-threatening emergency or for natural disaster relief.

EFFECTIVE DATE

September 1, 2021.