By:  Wilson H.B. No. 1803

A BILL TO BE ENTITLED

AN ACT

relating to requiring county approval of a proposed purchase or conversion by a municipality of a property to house homeless individuals.

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

SECTION 1.  Section 211.003(a), Local Government Code, is amended to read as follows:

(a)  Except as provided by Subchapter C, Chapter 244, the [~~The~~] governing body of a municipality may regulate:

(1)  the height, number of stories, and size of buildings and other structures;

(2)  the percentage of a lot that may be occupied;

(3)  the size of yards, courts, and other open spaces;

(4)  population density;

(5)  the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

(6)  the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

SECTION 2.  Chapter 244, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. MUNICIPAL PURCHASE OR USE CONVERSION OF PROPERTY TO HOUSE HOMELESS INDIVIDUALS

Sec. 244.041.  COUNTY APPROVAL. (a)  A municipality may not purchase a property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan as described by Section 244.042(b).

(b)  A municipality may not convert the use of a property owned by the municipality to enable the property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan as described by Section 244.042(b).

Sec. 244.042.  PLAN REQUIREMENTS. (a) In this section, "proposed new residents" means homeless individuals the municipality intends to house at the purchased or converted property.

(b)  A plan required by Section 244.041 shall describe:

(1)  the availability of local health care for proposed new residents, including access to Medicaid services and mental health services;

(2)  the availability of indigent services for proposed new residents;

(3)  the availability of reasonably affordable public transportation for proposed new residents;

(4)  local law enforcement resources in the area of the property; and

(5)  what steps the municipality has taken to coordinate with the local mental health authority to provide for any proposed new residents.

(c)  A municipality shall respond to any reasonable requests for additional information made by the commissioners court regarding the proposed property purchase or use conversion.

Sec. 244.043.  NOTICE. A municipality that intends to purchase or convert a property to house homeless individuals shall:

(1)  post notice of the proposed use of the property at the property not later than the 61st day before the proposed date of purchase or conversion; and

(2)  publish notice of the proposed purchase or conversion of the property for 10 consecutive days in a newspaper of general circulation in the county in which the property is located, with the first day being not later than the 61st day before the proposed date of purchase or conversion.

SECTION 3.  The changes in law made by this Act apply only to a municipal purchase or use conversion described by Subchapter C, Chapter 244, Local Government Code, as added by this Act, that is not final on the effective date of this Act. A municipal purchase or use conversion that was final before the effective date of this Act is governed by the law in effect when the municipal purchase or use conversion was completed, and the former law is continued in effect for that purpose.

SECTION 4.  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, 2021.