2021S0087-1 02/10/21

By:  Schwertner, Bettencourt S.B. No. 796

     Buckingham

A BILL TO BE ENTITLED

AN ACT

relating to requiring public notice and a hearing concerning 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 252.002, Local Government Code, is amended to read as follows:

Sec. 252.002.  MUNICIPAL CHARTER CONTROLS IN MOST CASES [~~CASE~~] OF CONFLICT; EXCEPTION. (a)  Except as provided by Subsection (b), any [~~Any~~] provision in the charter of a home-rule municipality that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts and that is in conflict with this chapter controls over this chapter unless the governing body of the municipality elects to have this chapter supersede the charter.

(b)  Section 252.0412 controls over any conflicting provisions of the charter of a home-rule municipality.

SECTION 2.  Subchapter C, Chapter 252, Local Government Code, is amended by adding Section 252.0412 to read as follows:

Sec. 252.0412.  SPECIAL HEARING AND NOTICE REQUIREMENTS FOR PURCHASE OR CONVERSION OF PROPERTY TO HOUSE HOMELESS INDIVIDUALS. (a)  A municipality shall hold a public hearing concerning a property that it proposes to:

(1)  purchase for the purpose of housing homeless individuals; or

(2)  convert for the purpose of housing homeless individuals.

(b)  The hearing under Subsection (a) must be held before the municipality approves the purchase or conversion.

(c)  Notice of a hearing required under this section shall be provided to every residence located within two miles of the property that is proposed to be:

(1)  purchased for the purpose of housing homeless individuals; or

(2)  converted for the purpose of housing homeless individuals.

(d)  Notice provided under Subsection (c) must be delivered via certified mail not later than 36 hours before the hearing begins.

(e)  If a municipality fails to comply with this section, an individual who is entitled to notice under Subsection (c) may petition a district court in the county in which the property is located for injunctive relief.

SECTION 3.  The changes in law made by this Act apply only to a municipal purchase or use conversion described by Section 252.0412, 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.