

By: Schwertner, Bettencourt
Buckingham

S.B. No. 646

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring county approval of a proposed purchase or
3 conversion by a municipality of a property to house homeless
4 individuals.

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

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

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

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

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

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

14 (4) population density;

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

18 (6) the pumping, extraction, and use of groundwater by
19 persons other than retail public utilities, as defined by Section
20 13.002, Water Code, for the purpose of preventing the use or contact
21 with groundwater that presents an actual or potential threat to
22 human health.

23 SECTION 2. Chapter 244, Local Government Code, is amended

1 by adding Subchapter C to read as follows:

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

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

8 (b) A municipality may not convert the use of a property
9 owned by the municipality to enable the property to house homeless
10 individuals unless the commissioners court of the county in which
11 the property is located approves a plan as described by Section
12 244.042(b).

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

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

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

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

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

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

27 (5) what steps the municipality has taken to

1 coordinate with the local mental health authority to provide for
2 any proposed new residents.

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

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

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

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

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

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 646

1 Act takes effect September 1, 2021.