

By: Schwertner, et al.

S.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to hearing and public notice requirements regarding the conversion by a municipality of certain properties to house homeless individuals.

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

SECTION 1. Subtitle A, Title 8, Local Government Code, is amended by adding Chapter 255 to read as follows:

CHAPTER 255. CONVERSION OF PROPERTY FOR CERTAIN PURPOSES

Sec. 255.001. SPECIAL HEARING AND NOTICE REQUIREMENTS FOR CONVERSION OF PROPERTY TO HOUSE HOMELESS INDIVIDUALS. (a) Except as provided by Subsection (e), the governing body of a municipality may not approve the conversion of a property under the municipality's control for the purpose of providing housing to homeless individuals unless the governing body holds a public hearing not less than 90 days before the municipality begins to convert the property for that purpose. The hearing must be held at a location within a one-mile radius of the property.

(b) Not later than 36 hours before a public hearing required under Subsection (a) is held, the governing body of a municipality must provide notice of the hearing by mail to each residence located within a one-mile radius of the property the municipality proposes to convert for a purpose described by that subsection.

(c) If the governing body of a municipality fails to comply with this section, an individual who is entitled to notice under

1 Subsection (b) may bring an action in a district court in the county
2 in which the property described by that subsection is located for
3 injunctive relief to prevent the conversion of the property.

4 (d) In the event of a conflict between this chapter and any
5 provision in the charter of a municipality relating to the
6 conversion or notice of the conversion of a property for a purpose
7 described by Subsection (a), this chapter controls.

8 (e) This section does not apply to the conversion of a
9 property to provide temporary shelter or housing during a natural
10 disaster, declared state of emergency, or other life-threatening
11 public emergency.

12 SECTION 2. Chapter 255, Local Government Code, as added by
13 this Act, applies only to the conversion of property described by
14 Section 255.001(a), Local Government Code, as added by this Act,
15 that is set to begin on or after the effective date of this Act.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2021.