

By: Schwertner, Bettencourt  
Buckingham

S.B. No. 796

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to requiring public notice and a hearing concerning a  
3 proposed purchase or conversion by a municipality of a property to  
4 house homeless individuals.

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

6 SECTION 1. Section 252.002, Local Government Code, is  
7 amended to read as follows:

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

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

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

22 Sec. 252.0412. SPECIAL HEARING AND NOTICE REQUIREMENTS FOR  
23 PURCHASE OR CONVERSION OF PROPERTY TO HOUSE HOMELESS INDIVIDUALS.

1 (a) A municipality shall hold a public hearing concerning a  
2 property that it proposes to:

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

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

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

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

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

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

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

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

23 SECTION 3. The changes in law made by this Act apply only to  
24 a municipal purchase or use conversion described by Section  
25 252.0412, Local Government Code, as added by this Act, that is not  
26 final on the effective date of this Act. A municipal purchase or  
27 use conversion that was final before the effective date of this Act

1 is governed by the law in effect when the municipal purchase or use  
2 conversion was completed, and the former law is continued in effect  
3 for that purpose.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2021.