By:  Schwertner S.B. No. 1214

(In the Senate - Filed February 27, 2023; March 9, 2023, read first time and referred to Committee on Local Government; April 24, 2023, reported favorably by the following vote: Yeas 8, Nays 0; April 24, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez                   X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

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), a municipality's governing body may not approve the conversion of a property under the municipality's control to provide housing to homeless individuals unless the governing body holds a public hearing not less than 90 days before the municipality begins the conversion. The governing body must hold the hearing 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, a municipality's governing body must provide notice of the hearing by mail to each residence and business located within a one-mile radius of the property described by that subsection.

(c)  If a municipality's governing body fails to comply with this section, an individual who is entitled to notice under Subsection (b) may bring an action for injunctive relief in a district court in the county in which the property described by Subsection (a) is located to prevent the conversion of the property.

(d)  In the event of a conflict between this chapter and a provision in a municipality's charter relating to the conversion or notice of the conversion of a property described by Subsection (a), this chapter controls.

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

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

SECTION 3.  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, 2023.

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