

SUBJECT: Municipal regulation of churches providing overnight shelter for children

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Lewis, Farrar, Farney, Hernandez Luna, K. King, Raymond

0 nays

2 absent — Gooden, Hunter

1 present, not voting — S. Thompson

WITNESSES: For — Bruce Kendrick, Embrace; (*Registered, but did not testify*: Samuel Caldwell; Ashley Harris, Texans Care for Children; April Wilson, The Texas Association for the Protection of Children)

Against — Brad Parker, TTLA; Ware Wendell, Texas Watch

DIGEST: CSHB 2319 would prevent municipalities from adopting or enforcing an ordinance that prohibited a church from providing overnight shelter for children 17 years of age or younger. A municipal ordinance or regulation that related to the safe and sanitary operation of a homeless shelter for children would apply to a church providing overnight shelter to children. A municipality would be allowed to adopt or enforce an ordinance that established limits on the number of nights a child was allowed to use an overnight shelter provided by a church or on the number of children housed in the shelter per night.

The bill would take effect on September 1, 2013.

SUPPORTERS SAY: CSHB 2319 would allow Texas churches to provide a shelter ministry to at-risk homeless children. Currently, because a church is a place of worship and not a residential unit, zoning restrictions in many municipalities prohibit them from providing overnight shelter to children.

Homeless children need a safe place to go at night, where they will be welcomed. There is no reason that a child should be left sleeping under a bridge when there is a church down the block that has the ability and desire to provide shelter for that child.

When children have no place to call home, they are statistically more likely to get involved with such negative influences as gangs and drugs. Homelessness is also a top indicator that a student will drop out of school. Additionally, 78 percent of Texas prison inmates are dropouts, putting homeless children potentially on the unfortunate path to incarceration.

The bill would not place the homeless at undue risk. Most churches in Texas carry some kind of liability insurance as a requirement for limited liability protection provided by the Charitable Immunity and Liability Act, Civil Practice and Remedies Code, ch. 84. Further, as a result of recent sexual abuse scandals, many denominations and churches have implemented child and youth protection protocols. Finally, the bill would allow municipalities to enact ordinances relating to the safe and sanitary operation of homeless shelters for children that would apply to church-based overnight shelters.

**OPPONENTS
SAY:**

The bill would not require sufficient protections for children at proposed overnight church-based shelters. The bill should require implementation of child and youth protection protocols, certain minimal amounts of liability coverage, and mandate inspections, audits, and reviews of the shelters.