

BILL ANALYSIS

Senate Research Center

H.B. 230
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Jurisprudence
5/17/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, private entities can build a facility in an unincorporated area of a county to house individuals placed on parole or mandatory supervision with limited local regulation of the placement or operation of such a facility, commonly referred to as a halfway house. H.B. 230 defines halfway house and authorizes the commissioners court of a county to adopt regulations regarding the halfway houses in unincorporated areas of a county. The regulations added by the bill are similar to those that authorize a county to regulate the placement of a sexually oriented business.

H.B. 230 amends current law relating to the authority of a county to regulate the location of halfway houses in the unincorporated areas of the county and provides a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 240, Local Government Code, by adding Subchapter Y, as follows:

SUBCHAPTER Y. REGULATION OF HALFWAY HOUSES

Sec. 240.851. DEFINITION. Defines, in this subchapter, "halfway house."

Sec. 240.852. AUTHORITY TO REGULATE. (a) Authorizes the commissioners court of a county by order to adopt regulations regarding halfway houses as the commissioners court considers necessary to promote the public health, safety, or welfare.

(b) Provides that a regulation adopted by a county applies only to the unincorporated area of the county.

Sec. 240.853. SCOPE OF REGULATION. (a) Authorizes the location of a halfway house to be restricted to particular areas, or prohibited within a certain distance of a school, regular place of religious worship, residential neighborhood, or other specified land use the commissioners court finds to be inconsistent with the operation of a halfway house.

(b) Authorizes the commissioners court to restrict the density of halfway houses.

Sec. 240.854. LICENSES OR PERMITS. (a) Authorizes the commissioners court to require that an owner or operator of a halfway house obtain a license or other permit or renew a license or other permit on a periodic basis for the operation of a halfway house. Requires that an application for a license or other permit be made in accordance with the regulations adopted under this subchapter.

(b) Authorizes the regulations adopted under this subchapter to provide for the denial, suspension, or revocation of a license or other permit issued by the county.

(c) Provides that a district court has jurisdiction of a suit that arises from the denial, suspension, or revocation of a license or other permit issued by a county.

Sec. 240.855. NOTICE REQUIRED. (a) Requires an applicant for a license or permit issued under Section 240.854 for a location not previously licensed or permitted to, not later than the 60th day before the date the application is filed publish in a newspaper of general circulation in the county a notice of the applicant's intent to establish a halfway house in the county, name and business address of the applicant, and the proposed location of the halfway house, and prominently post an outdoor sign at the location stating that a halfway house is intended to be located on the premises and providing the name and business address of the applicant.

(b) Sets forth the requirements of the outdoor sign.

Sec. 240.856. INSPECTION. Authorizes a county to inspect a halfway house to determine compliance with this subchapter and regulations adopted under this subchapter.

Sec. 240.857. FEES. Authorizes the commissioners court by order to impose fees on applicants for a license or other permit issued under this subchapter or for the renewal of the license or other permit. Requires that the fees be based on the cost of processing the applications and investigating the applicants.

Sec. 240.858. ENFORCEMENT. (a) Authorizes a county to sue in the district court for an injunction to prohibit the violation of a regulation adopted under this subchapter.

(b) Provides that a person commits an offense if the person violates a regulation adopted under this subchapter. Provides that an offense under this subsection is a Class A misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2011.