

BILL ANALYSIS

Senate Research Center
88R6442 KBB-D

S.B. 572
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Local Government
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The number of unaccompanied children arriving at the southern border and referred to the HHS Office of Refugee Resettlement (ORR) increased from 1,929 children in October 2020 to 20,339 children in April 2021. ORR is responsible for regulating childcare facilities that care for these unaccompanied children. As of July 2021, ORR operated more than 200 facilities in 22 states and as of February 2023, there are more than 7,793 children in ORR care.

In 2021, Governor Abbott issued an emergency proclamation directing the Texas Health and Human Services Commission (HHSC) to "take all necessary steps to discontinue state licensure of any child care facility under a contract with the federal government that shelters or detains unlawful immigrants." HHSC then issued an emergency rule implementing the Governor's Proclamation, which allowed facilities that house migrant children to continue operating, but without oversight or monitoring by the state.

Because Texas no longer licenses facilities per executive order, areas outside of home-rule city limits face potential lawsuits over authority to enact and enforce zoning codes to protect the health and safety of residents. A facility to house migrant male children under 18 years old was proposed within the city limits of Wallis, Texas. Many of the residents of the city to include the Austin County Judge expressed concern that the area lacked the resources to properly serve the migrant children in the federal facility and were not granted proper notice in the siting of the facility. Community leaders also noted their lack of ability to legally challenge the new development.

S.B. 572 proposes to grant specific authority to counties and general cities to enforce zoning and regulations to ensure the health and safety of residents in a facility that is not licensed by the State of Texas that houses 3 or more unrelated people.

As proposed, S.B. 572 amends current law relating to the authority of a general-law municipality or county to regulate certain unlicensed residential facilities.

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 250, Local Government Code, by adding Section 250.014, as follows:

Sec. 250.014. REGULATION OF CERTAIN UNLICENSED RESIDENTIAL FACILITIES. (a) Provides that this section applies only to a residential facility that is not licensed by this state and in which three or more unrelated individuals reside in a unit in the facility.

(b) Authorizes a general-law municipality or a county in the unincorporated area of the county to:

(1) designate an area in which a residential facility is authorized to be located; and

(2) take other measures necessary to protect the health and safety of the individuals residing in a residential facility.

SECTION 2. Effective date: upon passage or September 1, 2023.