

BILL ANALYSIS

Senate Research Center
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S.B. 1073
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Intergovernmental Relations
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As Filed

DIGEST

Currently there is no state law that dictates where a shelter for the homeless may be built or operated. Many cities deal with the issue with zoning laws, which creates a problem for the City of Houston, which does not have a zoning authority. S.B. 1073 would establish conditions regarding restrictions on and notice of the location of a shelter for the homeless.

PURPOSE

As proposed, S.B. 1073 establishes conditions regarding restrictions on and notice of the location of a shelter for the homeless.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Chapter 244, Local Government Code, as follows:

CHAPTER 244. New heading: LOCATION OF CERTAIN FACILITIES AND SHELTERS

SECTION 2. Amends Chapter 244, Local Government Code, to designate Sections 244.001-244.008 as Subchapter A, with the heading as follows:

SUBCHAPTER A. CORRECTIONAL OR REHABILITATION FACILITY

SECTION 3. Amends Chapter 244, Local Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. SHELTER FOR HOMELESS

Sec. 244.021. RESTRICTION. Prohibits a person from constructing or operating a shelter for homeless individuals within 1,000 feet of another shelter for the homeless or a primary or secondary school, unless consent is granted.

Sec. 244.022. NOTICE. Sets forth requirements for a person who intends to construct or operate a shelter for homeless individuals. Requires the person to post and provide the required notice before the 61st day before the date the person begins construction or operation of the homeless shelter.

Sec. 244.023. LOCAL CONSENT. Provides that local consent to the operation of a shelter for homeless individuals within 1,000 feet of another shelter or primary or secondary school, is considered granted by the commissioners court or governing body of the municipality unless certain circumstances warrant a hearing, after which the commissioners court or governing body find that the operation of a shelter at the proposed location is not in the best interest of the county or municipality. Authorizes a commissioners court or governing body to rescind an adopted resolution.

Sec. 224.024. DISTANCE MEASUREMENT. Provides that the distance is measured along the shortest straight line between the nearest property line of the shelter to the nearest property line of another shelter or a primary or secondary school.

SECTION 4. Amends Section 244.001, Local Government Code, to set forth the definitions in this subchapter, rather than chapter.

SECTION 5. Amends Section 244.002(c), Local Government Code, to make a conforming change.

SECTION 6. Amends Sections 244.006-244.008, Local Government Code, to make conforming changes.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.