

## **BILL ANALYSIS**

Senate Research Center  
76R11863 KEL-D

C.S.S.B. 1073  
By: Gallegos  
Intergovernmental Relations  
4/16/1999  
Committee Report (Substituted)

### **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. C.S.S.B. 1073 would establish conditions regarding restrictions on and notice of the location of a shelter for the homeless.

### **PURPOSE**

As proposed, C.S.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. APPLICATION OF SUBCHAPTER. Provides that this subchapter applies only to the construction or operation of a shelter for homeless individuals that is located or proposed to be located within the boundaries of a municipality with a population of 1.6 million or more.

Sec. 244.022. 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 municipal consent is granted.

Sec. 244.023. 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. 244.024. MUNICIPAL CONSENT. Provides that municipal consent to the construction or operation of a shelter for homeless individuals subject to Section 244.022 is considered granted unless, before the 61st day after the date the notice is received by the governing body of the municipality, the governing body determines that the construction of the shelter at the proposed location is not in the best interest of the municipality.

Sec. 224.025. 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. Authorizes a governing body to rescind an adopted resolution.

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.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Chapter 244, Local Government Code, by adding a new Section 244.021, regarding the application of this subchapter. Renumbers subsequent sections.

Amends Section 244.023, Local Government Code, to set forth requirements for a person who intends to construct or operate a shelter for homeless individuals, including the need to provide notice of the proposed location of the shelter to the municipality.

Amends Section 244.024, Local Government Code, to add a new heading. Requires certain municipal consent regarding the construction or operation of a shelter for homeless individuals.