

BILL ANALYSIS

Senate Research Center
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S.B. 1000
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1000 ensures that religious organizations are able to use their land for housing the homeless, if they desire to do so as part of their overall mission. This protection brings Texas law in line with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), while also ensuring that any housing that is provided meets certain minimum standards of health and safety.

Federal law (RLUIPA) bars land use regulations that impose a substantial burden on religious exercise. The Department of Justice has determined that part of this exercise includes using land owned by a religious organization for housing the homeless. This issue arose in Minnesota when the City of St. Paul attempted to block a church from using its land to provide housing to homeless individuals through a land use restriction. This action was challenged and ultimately the parties settled, but such an issue could arise again, and this legislation seeks to prevent such litigation from ever having to occur.

As proposed, S.B. 1000 amends current law relating to the municipal regulation of housing for homeless individuals provided by a religious organization.

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 229, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. REGULATION OF HOUSING PROVIDED BY RELIGIOUS ORGANIZATIONS

Sec. 229.071. DEFINITIONS. Defines "homeless individual" and "religious organization."

Sec. 229.072. CERTAIN ZONING OR LAND USE REGULATIONS PROHIBITED. Prohibits a municipal zoning or land use ordinance from prohibiting a religious organization from:

(1) using the religious organization's facility as housing for homeless individuals;
or

(2) having housing units on the organization's property for homeless individuals.

Sec. 229.073. OTHER REGULATIONS PERMITTED. (a) Authorizes a municipality to adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization's property.

(b) Requires a municipality to require a religious organization that provides housing for homeless individuals on the organization's property to provide:

(1) electricity and heat for each housing unit; and

(2) at lease one kitchen and bathroom on the property that may be used by the individuals.

SECTION 2. Effective date: September 1, 2019.