

1-1 By: Schwertner, Bettencourt, Buckingham S.B. No. 796  
 1-2 (In the Senate - Filed February 24, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Local Government;  
 1-4 March 31, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 5, Nays 3; March 31, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11		X		
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 796 By: Nichols

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to hearing and public notice requirements regarding the  
 1-22 purchase or conversion by a municipality of certain properties to  
 1-23 house homeless individuals.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle A, Title 8, Local Government Code, is  
 1-26 amended by adding Chapter 255 to read as follows:

1-27 CHAPTER 255. PURCHASE OR CONVERSION OF PROPERTY FOR CERTAIN  
 1-28 PURPOSES

1-29 Sec. 255.001. SPECIAL HEARING AND NOTICE REQUIREMENTS FOR  
 1-30 PURCHASE OR CONVERSION OF PROPERTY TO HOUSE HOMELESS INDIVIDUALS.

1-31 (a) Except as provided by Subsection (e), the governing body of a  
 1-32 municipality may not approve the purchase of a property or the  
 1-33 conversion of a property under the municipality's control for the  
 1-34 purpose of providing housing to homeless individuals unless the  
 1-35 governing body holds a public hearing before the purchase or  
 1-36 conversion of the property for that purpose. The hearing must be  
 1-37 held at a location within a two-mile radius of the property.

1-38 (b) Not later than 36 hours before a public hearing required  
 1-39 under Subsection (a) is held, the governing body of a municipality  
 1-40 must provide notice of the hearing by mail to each residence located  
 1-41 within a two-mile radius of the property the municipality proposes  
 1-42 to purchase or convert for a purpose described by that subsection.

1-43 (c) If the governing body of a municipality fails to comply  
 1-44 with this section, an individual who is entitled to notice under  
 1-45 Subsection (b) may bring an action in a district court in the county  
 1-46 in which the property described by that subsection is located for  
 1-47 injunctive relief to prevent the purchase or conversion of the  
 1-48 property.

1-49 (d) In the event of a conflict between this chapter and any  
 1-50 provision in the charter of a municipality relating to the purchase  
 1-51 or conversion or notice of the purchase or conversion of a property  
 1-52 for a purpose described by Subsection (a), this chapter controls.

1-53 (e) This section does not apply to the purchase or  
 1-54 conversion of a property to provide temporary shelter or housing  
 1-55 during a natural disaster, declared state of emergency, or other  
 1-56 life-threatening public emergency.

1-57 SECTION 2. Chapter 255, Local Government Code, as added by  
 1-58 this Act, applies only to the purchase or conversion of property  
 1-59 described by Section 255.001(a), Local Government Code, as added by  
 1-60 this Act, that becomes final on or after the effective date of this

2-1 Act.

2-2 SECTION 3. This Act takes effect immediately if it receives  
2-3 a vote of two-thirds of all the members elected to each house, as  
2-4 provided by Section 39, Article III, Texas Constitution. If this  
2-5 Act does not receive the vote necessary for immediate effect, this  
2-6 Act takes effect September 1, 2021.

2-7

\* \* \* \* \*