

By: Bernal

H.B. No. 3573

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of municipal zoning ordinances to certain open-enrollment charter schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.103, Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Notwithstanding Subsection (a) and except as provided by Subsection (d), a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools.

(d) Subsection (c) does not apply to a campus of an open-enrollment charter school located wholly or partly in a municipality adjacent to or surrounded by a municipality that:

(1) has a population of one million or more; and  
(2) is primarily located in a county with a population of 1.5 million or more.

(e) A municipality exempt from the application of Subsection (c) under Subsection (d) may not impose a municipal zoning ordinance governing public schools on an open-enrollment charter school that:

(1) was located in the municipality on September 1, 2017; or

1           (2) was planned for a location in the municipality  
2 before September 1, 2017, provided that:

3                   (A) one or more licenses, certificates, permits,  
4 approvals, or other forms of authorization by the municipality were  
5 required by law for the planned location; and

6                   (B) a completed application for the initial  
7 authorization was filed with the municipality before September 1,  
8 2017.

9           (f) For purposes of Subsection (e)(2)(B), a completed  
10 application is filed if the application includes all documents and  
11 other information designated as required by the municipality in a  
12 written notice to the applicant.

13           SECTION 2. This Act takes effect September 1, 2017.