

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Notification of a Facility Opening or Relocating ACA: N/A Implements: Local Government Code §244.002	Effective Date: 10/1/16 Page: 1 of 2 Replaces: GAP.385.8161, 12/18/03
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RULE

(a) **Purpose.**

This rule provides for notification to the public and certain elected officials of the opening or relocation of certain residential facilities and parole offices operated by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule does not apply to:

- (1) facilities that were in operation, under construction, under contract for operation or construction, or planned for operation on land owned or leased for that purpose on September 1, 1997;
- (2) facilities that were in operation prior to the establishment of a residential area as described in [subsection \(e\)\(1\) of this section](#);
- (3) temporary facilities that will operate less than one year at the location;
- (4) expansion of existing facilities;
- (5) facilities that will not operate primarily for use as a correctional or rehabilitation facility, but will house TJJD youth only for a treatment or educational purpose;
- (6) facilities that require, before operation, special or conditional use permits from the municipality in which the facility will operate; and
- (7) parole offices located in commercial use areas; and
- (8) any other facility described in §244.006 of the Texas Local Government Code.

(c) **Notice.**

Except as provided in [subsection \(e\) of this section](#), TJJD will provide notice as soon as practical before beginning operation or construction of a TJJD residential facility or parole office. The notice must:

- (1) include the proposed address and a general description of the facility or office;
- (2) be published in a newspaper of general circulation in the county in which the proposed facility or office is to be located and include where public comment on the proposal may be sent for review; and
- (3) be mailed to each city council member, county commissioner, state representative, and state senator who represents the area in which the proposed facility or office is to be located.

(d) **Public Meeting.**

Upon request by one of the elected officials identified in subsection (c)(3) of this section, TJJD will hold a public meeting to inform the public about the proposed residential facility or parole office and to receive public comment.

(e) **Sixty-Day Notice for Sites 1,000 Feet from Designated Places and When Written Notice is Received by a Local Governmental Entity.**

- (1) Pursuant to §244.002 of the Local Government Code, 60 days before beginning construction or operation, whichever occurs first, of a TJJJ residential facility or parole office within 1,000 feet of a residential area, primary or secondary school, park or public recreation area, or place of worship, TJJJ will mail notice of the proposed location to the commissioners court and governing body of the municipality. The notice must:
- (A) state TJJJ's intent to construct or operate a correctional or rehabilitation facility within the area described in subsection (e)(1) of this section;
 - (B) describe the proposed location of the facility; and
 - (C) state that [Chapter 244, Subchapter A, of the Texas Local Government Code](#) governs the procedures for the notice of and consent to the operation of the facility.
- (2) TJJJ must prominently post an outdoor sign at the proposed location of the facility stating that a correctional or rehabilitation facility is intended to be located on the premises and providing the name and business address of the entity. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The sign may be in both English and a language other than English if required by the municipality or county.

(f) **Denial of Consent to Operate.**

A residential facility or parole office operated by TJJJ that is subject to the 60-day notice requirement of subsection (e) of this section may not be operated at the proposed location if not later than the 60th day after the date on which notice is received by a commissioners court or governing body as provided for in subsection (e) of this section, the commissioners court or governing body determines by resolution after a public hearing that the operation of the TJJJ residential facility or parole office at the proposed location is not in the best interest of the county or municipality.
