City of Houston

Administration & Regulatory Affairs

Solicitation for Charitable Purposes
As of January 2013

Among its provisions, Section 36-72 of the City of Houston Code of Ordinances states: *"It shall be unlawful within the corporate limits of the city: (1) for any person, directly or through an agent or employee, to solicit funds [for a charitable purpose] unless such person has first obtained a certificate of registration; (2) for any individual, as the agent or employee of another, to solicit funds unless his principal or employer has received a certificate of registration as hereinafter provided; (4) for any person, directly or through an agent or employee, to solicit funds after the expiration of any certificate of registration issued as hereinafter provided; (5) for the person registering or the agents or employees thereof to solicit funds for a purpose other than that set out in the registration statement upon which the certificate of registration was issue; . . ."*

A charitable purpose means philanthropic, religious or other nonprofit objectives, including the benefit of:

Poor, needy, sick, refugee or handicapped persons;
Any church or religious society, sect, group or order;
A patriotic or veterans' association or organization;
Any fraternal, social or civic organization; or
Any educational institution.

Note: Charitable purpose should not be construed to include the direct benefit of the individual making the solicitation or the benefit of any political group or political organization that is subject to financial disclosure under state or federal law.

There are two types of certificates:

A **Class A** permits the solicitation of funds that includes among its means and methods the solicitation of occupants of vehicles on public streets. A registration statement shall be filed not later than the 11th day before the date the solicitation of funds is to begin. The Class A certificate expires 30 days from the date of issuance or upon the termination of the solicitation period, whichever is less. The person soliciting funds:

(1) Must wear a high visibility traffic vest, conforming to requirements;
(2) Must have attained the age of 18 prior to registration;
(3) Must conduct the solicitation only within 40 feet of an intersection controlled by a traffic light that requires all traffic to come to a full stop;
(4) Must solicit funds only while located on a shoulder, improved shoulder, curb or sidewalk adjacent to the roadway, excluding any median;
(5) Must <u>not enter the roadway</u> to solicit or retrieve funds; and
(6) Must <u>not obstruct traffic or create a hazard</u> to traffic or any other person.
(7) Must not attempt to solicit where more than four individuals are also soliciting funds simultaneously at the same location <u>unless a person is present, who is certified by the American Heart Association or the American Red Cross, in cardiopulmonary resuscitation (CPR) and first aid.</u>

A **Class B** permit does not authorize the solicitation from occupants of vehicles on public streets. The Class B certificate expires one year from the date of issuance or upon the termination of the solicitation period, whichever is less.

Solicitation is allowed between the hours of 8:00 A.M. and 9:00 P.M.

Fees

A registration fee of **$21.13** shall accompany every registration statement.

Filing of Financial Statements
Each person registering shall file a preliminary closing statement no later than 30 days from the expiration of its certificate of registration. It need not be sworn to or audited by a certified public accountant and that any amounts stated thereon may be estimated based upon whatever information is reasonably available to the person registering at the time the preliminary closing statement is filed.

Not later than 120 days after the expiration of its certificate of registration, each person who registered shall file a closing statement with the Administration & Regulatory Affairs Department. The closing statement shall be a financial statement that is either on a form provided by the department or audited by a certified public accountant.

Persons soliciting without getting registered are in violation of Chapter 36 of the City of Houston Code of Ordinances. Violators can be issued citations for unlawful solicitation.

To register in person visit:

Commercial Permitting & Enforcement Section
Administration & Regulatory Affairs Department
at the Houston Permitting Center
1002 Washington Avenue, 1st Floor
Tele: 832-394-8803
Fax: 832-395-9631

You may mail the application to:

Attn: Charitable Solicitation Registration
City of Houston
Administration & Regulatory Affairs Department - CPE
P.O. Box 1561
Houston, Texas 77251-1561